Congress Weekly

A Review of Jewish Interests

Civil Rights in U. S. 1945-50

A Review on the fifth anniversary of the establishment of the Commission on Law and Social Action of American Jewish Congress.

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CHRONICLE OF EVENTS

AT HOME:

THE WORLD JEWISH Congress expressed serious concern over the "brazen affirmation" of Nazism by an active Hitler-type movement in Colombia. Citing evidence of "Nazi demonstrations and unhampered dissemination of Nazi propaganda" in Colombia, in a letter to the Colombia Ambassador to the U. S., the WJCongress charged that on October 27, Colombian students in the city of Medellin held a memorial service in honor of Nazi leaders executed as war criminals. Those attending the service wore swastika armbands and listened to the anthem of Nazi Germany. Following the service, Nazi propaganda leaflets and pictures of Hitler were distributed.

THE UNITED NATIONS Security Council adopted a resolution calling on Israel and its Arab neighbors to settle their charges and countercharges through the media of the various mixed armistice commissions established in the Palestine armistice agreements.

AN APPEAL to the U. S. Congress to grant aid to the state of Israel was issued by 400 leaders of the American Zionist movement at the end of a one-day conference held in New York under the auspices of the American Zionist Council.

IN THE RECENT national elections, Gerald L. K. Smith's anti-Semitic Nationalist Party put up a slate of candidates in Missouri. After intensive campaigning on radio and television, Smith's candidate for Senator received 400 votes out of a total of 750,000 cast in St. Louis. The other candidates received even less.

NAZIS AND FASCISTS would be admitted to the U. S. whether or not their past affiliations were examined, under an amendment to the subversive control law which is being drafted by the present administration, it was reported by the Jewish Telegraphic Agency. Anyone who was ever connected with Communism, whether or not they have since renounced such leanings, would continue to be barred.

CONGRESSMAN Emanuel Celler, chairman of the House Judiciary Committee, declared that "civil liberties in the United States sank to a dangerously low ebb" as a result of the McCarran Act, the Smith Act and was a "field day for the Red Channels type of mendacity." Congressman Celler spoke before the annual convention of the Association of Benevolent and Fraternal Organizations of the American Jewish Congress. Dr. Israel Goldstein, chairman of the World Jewish Congress Western Hemisphere Executive, emphasized the danger to the democracies in the unsatisfactory German situation.

A REPORT of increased acceptance by Reform Jewish congregations and their members of ritual practice and ceremonial observance in the synagogue and in the home was made by Rabbi Morton M. Berman of Chicago, chairman of the Committee on Reform Practices, at the 41st biennial assembly of the Union of American Hebrew Congregations. Rabbi Berman said that on the basis of the survey made of the 425 Reform congregations, Liberal Judaism has undertaken "to correct an error" made by early anti-ritualistic leaders who looked upon ceremonials as "trivializing the noble teachings of Judaism."

TOP CITY and state officials are expressing serious concern as a result of a new flare-up of anti-Semitic beatings in the Dorchester area of Boston, Mass. While a series of conferences are going on between Jewish leaders and public officials, the trial of 25 Jewish youths who were arrested in Hyde Park after they sought to retaliate for the beatings their friends received in Dorchester, has been continued to December 1.

RESULTS of a survey presented to the biennial convention of the United Synagogue of America indicated that only one-third of the membership of synagogues attends Friday night services.

LOUIS LIPSKY has resigned as chairman of the American Zionist Council, saying that "it is impossible to cope with the confusions of functions and authority that prevail in the Zionist movement in the United States."

THE AMERICAN RED CROSS has decided to eliminate all racial designations of blood donors.

ISRAEL:

GREAT GAINS by the General Zionist Party was the outstanding feature of the municipal elections held in Israel on November 14, although the Histadrut, representing the Mapai Party, maintained first place in many centers.

A TOTAL of 19,557 Jewish immigrants arrived in Israel during the month of October, making it the largest contingent to reach the Jewish state in any month since January. In the first ten months of this year the number of immigrants who arrived in Israel was 145,041, while the total number of Jews who reached the Jewish state since the proclamation of statehood is 380,218.

ABROAD:

INTENSIFYING its campaign for the internationalization of Jerusalem, the Vatican press—for the second time in a single week—published articles emphasizing that the Vatican does not agree to any solution of the Jerusalem problem other than to place the city and its environs under international trusteeship.

A PORTION of the moneys and assets due German Jewry in the form of restitution should be used to help the major Jewish relief organizations of the world which are facing extreme financial difficulties in meeting their tasks, it was decided by the executive committee of the Council for the Protection of the Rights and Interests of Jews from Germany.

ORGANIZED Australian Jewry made it known that it will strongly oppose any mass influx of German immigrants into Australia. A statement to this effect was issued by Ben Green, president of the Executive Council of Australian Jewry. At the same time, Immigration Minister Harold Holt said that the question of allowing Germans to immigrate into Australia "cannot be judged on an emotional basis." He stated that the Executive Council of Australian Jewry is the only organization in the country which objected in principle to the admission of Germans.

THE AUSTRIAN parliament has all but passed a law which will in effect end the program of prosecuting and punishing Nazi war criminals, Dr. F. R. Bienenfeld, head of the World Jewish Congress legal department, reported in London.

THE LONDON JEWISH TIMES, the only Yiddish-language daily newspaper in Britain, suspended after 57 years of continuous publication. The publisher, Harry Meyer, said that of some 80,000 Jewish families in Britain, only a small fraction can read Yiddish.

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Law and Social Action

SHAD POLIER

On November 29, 1945, the American Jewish Congress established its Commission on Law and Social Action (CLSA) in order to give new direction and strength to the struggle of the Jewish community for equality within the framework of the American democracy. Its purposes were stated in the resolution establishing the Commission in the following terms:

> To combat anti-Semitic violence, defamation and discrimination in employment, education, and in every other vital relationship and to promote appropriate positive action within the Jewish community itself.
>
> To fight every manifestation of racism and to promote the civil and political equality of all minorities in America.
>
> To support measures designed to safeguard American civil liberties or indispensable for building a better and freer America.

From the vantage point of 1950, it now seems strange that as recently as five years ago, the organized Jewish community of the United States still thought and acted as if the status of the Jew should and could be secured by "fighting anti-Semitism." Perhaps today, even those organizations of neo-assimilationist or "successful Jews" have begun to understand that their slogans as well as their techniques were based upon a self-imposed ghetto frame of mind, having no relevance to the democratic structure and tradition of the United States, and certainly offering no hope of escape from the second-class citizenship which paradoxically they assigned to themselves. Discredited today are both the concept of the individual or corporate "court Jew" and the attempt to package and sell "goodwill."

The very name of the Commission on Law and Social Action synthesizes the meaning of its constantly evolving program: the mobilization of social action directed to specific problems in discrimination in employment, education, housing and in all other forms of discrimination; the skilled preparation and presentation of legislative proposals, the competent and inspired invocation of courts, administrative bodies and executive offices to give meaning to constitutional and legislative prohibitions against discrimination; the alerting and continuing mobilization of the community in order that promises made, whether in constitution, statutes, judicial, administrative or executive decision, shall not become empty words.

The basic theories on which CLSA proceeds are few in number but radical in concept.

First, it rejects the theory that the interests of the Jewish people can be entrusted safely to a few self-appointed leaders. Only when the Jewish community as a whole is involved in the struggle for its rights can victories of an enduring nature be won.

Second, the struggle for Jewish rights in the American democracy must be waged in the open. Jews must take the position in all their activities that they are exercising their rights as Americans and not as a dependent group begging favors of those in power.

Third, with respect to the community as a whole, we view the fight for equality as indivisible and as part of the general struggle to protect democracy against racism. Hence, any manifestation of racism, whether against Jews, Negroes, Japanese, Puerto Ricans or others, affects all Americans, majority and minority alike. Any victory achieved *by* the Jewish community or any other group *for* the Jewish community or any other group, is a victory for all.

Fourth, with respect to the nature of the struggle, we base our activities on our conclusion that the vicious circle, in which prejudice causes discrimination and discrimination in turn causes prejudice can best be broken by attacking discrimination. It is on that theory that we eschew the technique of preachment and exhortation. The evidence of past decades shows that prejudice cannot be attacked directly. By legal and other means which force the abandonment of discriminatory *conduct,* we pave the way to ultimate elimination of both discrimination and prejudice.

The manner in which these principles have been applied can best be shown by reviewing some of the outstanding CLSA activities.

1. One of the first targets of CLSA was the quota system under which virtually all private universities limit the number of Jews and other minorities admitted to medical, law and other graduate schools. The system had been the subject of concern to the Jewish community for many years. Private conversations with university officials had had no visible results.

CLSA undertook a broad campaign, combining

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all possible techniques of community pressure. It gave wide publicity to its own studies of the facts. It submitted these facts to public bodies and obtained investigations which resulted in official confirmation of the existence of the quota system. It initiated a legal proceeding in the name of Dr. Stephen S. Wise against a medical school urging that, because of its policy of discrimination, the school was not entitled to enjoy a tax exemption from New York City. Finally, it drafted a comprehensive bill to outlaw discrimination in colleges and universities, the first such bill introduced in a legislature. The large-scale public campaign for the bill involved the participation of many individuals and cooperation between Jewish and non-Jewish groups. First introduced as the Austin-Mahoney bill in New York in 1946, it received scant consideration in its first year, almost passed in the second, and was enacted in the third year as the Quinn-Oliffe Fair Educational Practices Act.

2. The New York *Daily News* had long been regarded by the Jewish community as unduly receptive to anti-Semitic and anti-Negro propaganda in its pages. Behind-the-scenes efforts to bring about a change in policy had been unsuccessful. When the *News* applied to the Federal Communications Commission for an FM radio license, CLSA saw and used the opportunity for an open attack on its undemocratic activities. Breaking new ground, the American Jewish Congress appeared as a "public witness" at the FCC hearing, introduced evidence as to the bias of the *News* and urged that such bias was sufficient to establish that it was less qualified for a license than other applicants.

When the American Jewish Congress first intervened in the case, many Jewish leaders were appalled at this open attack on so "respectable" an institution. It is plain, however, that the Jewish community gained in stature by demonstrating to the entire public that it had no hesitation in naming its enemies and demanding its rights. The *News* application was denied and, although the FCC placed the denial on grounds other than the AJCongress contention, it established in its decision the far-reaching principle that past bias on the part of a station applicant would be considered in passing on its fitness.

3. The refusal of the Metropolitan Life Insurance Company to admit Negroes to Stuyvesant Town, although construction of this huge housing project was made possible by tax exemption, condemnation and other valuable assistance from the City and State of New York, has been a storm center in the nation-wide fight against discrimination in public and publicly assisted housing. Direction was given to that fight by a lawsuit against Metropolitan seeking a determination that its discrimination was unconstitutional. By agreement among the National Association for the Advancement of Colored People, the American Civil Liberties Union and AJCongress, the three organizations sponsoring the suit, the work of prosecuting the action was delegated to the staff of CLSA. Instituted in 1947, the case concluded unsuccessfully three years later when the United States Supreme Court refused to review the four to three adverse decision of the highest court of New York State.

Despite this outcome, the lawsuit focused attention on the issue so that it was possible to make great strides on the legislative front. The CLSA-drafted Wicks-Austin law in New York State, Clapp laws in New Jersey, and Sharkey ordinances in New York City are only a few of many laws passed during the last few years prohibiting discrimination and segregation in various aspects of public and publicly assisted housing. Even at Stuyvesant Town itself, a breach has been made with the admission of a few Negro families and there is reason to expect that the discriminatory pattern will soon be abandoned entirely.

4. In the Stuyvesant Town suit, CLSA acted directly as counsel to the parties. Often, however, important civil rights questions arise in actions started by private persons. Such cases, while seeming to present only a private legal contest, may in fact raise basic problems affecting the status of all minority groups. CLSA has led the Jewish community in developing the technique of expressing its interest in such cases by filing briefs as *amicus curiae* or "friend of the court." CLSA filed the first *amicus curiae* brief on behalf of a Jewish organization in a restrictive covenant case and has since filed nearly a dozen such briefs in the United States Supreme Court. The practice has achieved such wide acceptance that it

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has been possible in recent years for Jewish groups to file many joints briefs. In the released time case discussed in the next paragraph, a single CLSA-drafted brief was filed for the entire Jewish community.

5. No problem facing the Jewish community today is thornier that that of church-state relationships. Many Jewish children now attending public school face acute personal conflict when subjected to pressure to participate in Christmas celebrations or other religious activities. Again and again they are required to choose between conforming with the majority in violation of their own principles or identifying themselves as members of a dissident minority. This problem was long considered as one in which the hush-hush approach was regarded as absolutely necessary. Many Jewish leaders looked with actual terror on the idea of any open action by Jews which would assert their legal rights in conflict with the religious practices of others.

When the United States Supreme Court undertook to review a case attacking the practice of released time in Illinois, where children were segregated according to religion and given religious instruction in the school buildings, the American Jewish Congress made the then startling proposal that the Jewish community should file a brief in the case opposing the plan. It took many months to bring the Jewish community around to agreement with this proposal. Ultimately all constituent bodies of the National Community Relations Advisory Council and the Synagogue Council of America agreed that a brief should be filed in their behalf. The preparation of the brief was delegated to the CLSA staff. By the time the Supreme Court issued its favorable decision in the case, the Jewish community was fully committed to the necessity of opposing all violations of the constitutional principle of separation of church and state. More than that, it was committed to determining its tactics on the basis of principle rather that on considerations of "public relations."

6. One last field of endeavor deserves mention primarily because so much remains to be done. From the first, CLSA has realized that no struggle ends with the enactment of a law. Hence it has devoted all possible energy to furthering effective enforcement of existing laws. In its very first year it obtained a ruling from the New York State Commission Against Discrimination that civic organizations could initiate action in certain types of cases. In other cases, where the American Jewish Congress may not act in its own name, the director of CLSA has acted as attorney for individual victims of discrimination. In all, CLSA has filed 180 cases with the New York State Commission and its local offices have presented many more to administrative agencies of other states. CLSA is at present handling several cases arising under the Fair Education Practices Act and other anti-discrimination statutes. Beyond that, it is attempting to arouse other influential groups to the importance of the problem of enforcement and the danger that the victories of past years may be undone by allowing continued widespread violation of hard won legislation.

No survey, however brief, should omit mention of one of the by-products of the work of the Commission on Law and Social Action. It is no longer possible, though the efforts have not yet entirely been discarded, to seek support from the American Jewish community through devices of fear. That the Jewish community has given more generously in these last few years as the technique of terror has fallen into disrepute, if not entirely into disuse, is a magnificent tribute to the people who are more moved by their opportunities and responsibilities as members of a free society than by their fears of losing that freedom.

Equality Is Indivisible

WALTER WHITE

THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT of Colored People was founded 41 years ago as an interracial, interfaith organization to achieve equal rights for Negro citizens within the framework of our constitutional system. The organization started out on the sound premise that the fight for this objective was not the fight of the Negro alone but of all Americans who believe in constitutional democracy and who accept the Judaeo-Christian concept of human brotherhood.

To meet the need for a "large and powerful body of citizens" to combat the evils of racial discrimination, 53 representative Americans—Negro and white, Jew, Protestant and Catholic—issued an historic call on Lincoln's centennial, February 12, 1909, for "all believers in democracy to join in a national conference for the discussion of present evils, the voicing of protests, and the renewal of the struggle for civil and political liberty."

Among the distinguished Jewish leaders who signed this call and joined in the sponsorship of this great movement were the late Rabbi Stephen S. Wise, Rabbi Emil G. Hirsch of Chicago and Dr. Henry Moskowitz of New York. Our membership, our board and our staff have always included personnel of various races and faiths.

As our organization grew in size and prestige, there

Walter White, distinguished Negro leader, is director of the National Association for the Advancement of Colored People.

developed also a fuller realization of the fundamental similarity of the problems of adjustment facing all peoples victimized by irrational prejudices and discriminations. It is now evident that equality is indivisible and cannot be denied to any particular group without impairing the freedoms of all.

The cooperation of our Association with Jewish organizations in pursuit of common goals was intensified during the past five years since the establishment of the Commission on Law and Social Action of the American Jewish Congress. During this period the Association joined with Jewish organizations in urging the passage of:

(1) Federal legislation for civil rights—FEPC and civil rights generally;
(2) the New York State Ives-Quinn Bill in 1945;
(3) The Quinn-Oliffe Fair Educational Practices Act;
(4) the Wicks-Austin Bill prohibiting discrimination and segregation in public housing in New York State;
(5) the New York City ordinance requiring the city to include in all contracts concerning housing an anti-discrimination clause;
(6) the Brown-Isaacs Bill before the New York City Council, which proposes to end discrimination in Stuyvesant Town.

In some areas, discrimination against Jews has been almost as harsh and uncompromising as against Negroes, notably in housing, admission to resorts, and acceptance by some colleges, particularly medical schools. The NAACP intervened in an effort to obtain admission of a qualified Jewish student to a medical school from which he had been excluded because the Jewish "quota" had been filled. The school is a predominantly Negro institution and its imposition of an unofficial quota was accordingly all the more ironic.

In an effort to strengthen enforcement of the New York State law against employment discrimination, the American Jewish Congress joined with the Association and the Urban League of New York in the Committee to Support the Ives-Quinn Law. This Committee submitted recommendations to the State Commission Against Discrimination to facilitate and accelerate its work of eradicating job discrimination.

Our Association and the American Jewish Congress cooperated in the presentation of cases to the New York State Commission Against Discrimination, particularly in the fight to secure reemployment of Negro sandhogs discharged from their jobs on the new Brooklyn-Battery tunnel.

Other instances of Negro-Jewish cooperation in various fields of activity include:

(1) The calling of a conference on enforcement of northern civil rights laws in April 1950 by AJCongress, NAACP and American Civil Liberties Union.
(2) Joint appearances in meetings with and hearings before the New York State Fair Educational Practices Committee.
(3) Membership in the New York State Committee Against Discrimination in Housing.
(4) Joint conferences on steps to eliminate discriminatory practices by insurance companies in the sale of insurance policies; and
(5) Joint publication by the NAACP and the American Jewish Congress of *Civil Rights in the United States: A Balance Sheet of Group Relations,* issued in 1948 and 1949.

One of the most significant instances of intergroup cooperation was the wholehearted support which the Association received from Jewish organizations in the National Emergency Civil Rights Mobilization which culminated in a conference of some 4000 delegates in Washington, January 15-17, 1950. Not only in New York, but also in many states throughout the country, Jewish groups joined the NAACP, trade unions, church, civic and fraternal organizations in sending delegates to the Mobilization and in working steadily for enactment of FEPC and other civil rights laws in their respective cities and states. Such joint activities are, of course, more effective in some states than in others depending in great measure upon the type of leadership available in both groups.

Among Negroes there is a constantly growing recognition of the vital role such Jewish organizations as the American Jewish Congress play in the fight for civil rights. In 1947, the Chicago *Defender,* one of the more influential Negro publications, cited the American Jewish Congress for a place on its annual Honor Roll of Democracy as "among the most outstanding contributors to Democracy—U.S.A."

Marjorie McKenzie, the perspicacious columnist of the Pittsburgh *Courier,* the most widely circulated Negro newspaper, began her column on the work of the American Jewish Congress by saying: "In paying tribute for our recent successes in the Supreme Court —to Alpha Phi Alpha for sponsoring the Henderson case and to the NAACP for the McLaurin and Sweatt cases—we must not forget another staunch and able friend, namely, the Commission on Law and Social Action of the American Jewish Congress."

The annual conventions of the NAACP are regularly addressed by some outstanding representative of the Jewish community. Dr. Wise frequently graced our platform and his successor in the presidency of the American Jewish Congress, Rabbi Irving Miller, spoke to the convention held in Boston this year. The delegates have voted approval of and worked for passage of the bill for more liberal admission of displaced persons to this country. This bill was an important item on our legislative program and our representatives in Washington worked consistently for its enactment.

No resumé of Negro-Jewish relations would be

complete without paying tribute to the philanthropic contributions of Jews to Negro institutions and movements. Outstanding, of course, was the work of Julius Rosenwald and the fund which he established to aid in the expansion of opportunities for young Negroes and to create a better climate of opinion in the field of racial relations. During his lifetime, Mr. Rosenwald contributed huge sums to the improvement of educational opportunities for Negro youth at all levels. The Rosenwald Fund played an important role in ameliorating certain conditions under which Negroes were forced to live and in changing the attitudes among some southern whites.

It would be a distortion of fact to leave the impression that Jews and Negroes have worked harmoniously together in all instances against the common foe of discrimination. There have been rare indications of anti-Semitism on the part of some Negroes. Likewise, there have been instances of anti-Negro attitudes on the part of some Jews. Basically, as Roi Ottley points out in his *New World A-Coming,* the anti-Semitism among Negroes is largely an anti-white feeling of resentment against exploitations by landlords and community merchants who in some instances happen to be Jewish.

Indications of anti-Negro feeling on the part of Jews and other minorities is perhaps more deeply resented by Negroes than such attitudes among the majority group. There is, in my judgment, no religious basis for anti-Semitism among Negroes. Indeed, it is common for Negro clergymen to exhort their congregations to emulate the examples of "the Hebrew children." In the folklore and in the folk music of the Negro there is frequent reference to the trials and tribulations of the biblical Jews with the implication that from their experiences the Negro can learn many helpful lessons.

The cooperation between Negro and Jewish organizations in recent years has demonstrated the value of such united efforts and, I am sure, this cooperation will continue and expand in the coming years as we drive steadily toward our goal of an America of justice, equality, freedom and security for everyone regardless of race, color, creed, or national origin.

Legislating Against College Quotas

DAN W. DODSON

THERE ARE MANY RESPECTS IN WHICH THE fight against quotas in institutions of higher learning during the past five years has been the most vital of the programs on the civil rights front. Few institutions enjoy the prestige of colleges and universities. They set the pattern in many ways —advanced thinking, fashions, and those types of activities connected with social status. Hence, undemocratic practices harbored in such places are a menace to the entire country because they are the practices copied everywhere. It was through such practices, the *numerous clauses,* that anti-Semitism came to Germany and spread like a blight throughout the entire social structure.

The fight on this front has been different from others such as the fair employment practices. In employment, the continued full employment brought about by the improved economic situation was a force encouraging the employers to look with favor on the integration of all peoples into the labor supply. G.I. enrollment and the great surge of youth to colleges and universities, however, encouraged educational institutions to be more exclusive. While in employment the fight was *with* the tide, in college education the fight has been *against* the tide.

Another important aspect is that many of the private institutions emerged out of sectarian backgrounds to become non-sectarian, but had never redefined their responsibility as institutions for *all* the public. In fact, one colleague of this writer argued rather at length in 1945 that an institution of higher learning had a perfect right to define its conception of self as it pleased and choose its students accordingly. In this sentiment he was undoubtedly joined by many another college professor for, during the first year of the fight, support from the ranks of the profession was conspicuous by its absence. The executive director of one of the largest philanthropic foundations of the nation called this writer to his office and cautioned him against hurting our "fine colleges and universities."

If the college group were unconcerned about the problem, the politicians were apparently no less so.

In March 1944, a taxpayers suit was brought against Columbia University by the late Rabbi Stephen S. Wise, then president of the American Jewish Congress. That summer, I asked Mayor LaGuardia of New York if he would cause an investigation to be made to determine if the tax commission has been derelict in its duty in allowing tax exemptions to institutions such as Columbia University—which received public largesse in the form of tax exemption, but discriminated against a part of the public in admission practices. He said his commissioner had all he could do to clean up the Police

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Department before his (LaGuardia's) term expired.

When the representatives of the Mayor's Committee on Unity called on Governor Dewey, an equal type of apathy was shown. The governor was not surprised to learn that some Italians were discriminated against along with Negro and Jewish youth. "Of course it was a problem." We should talk with his old friend President Day of Cornell. Since we had a copy of a letter from an admissions official of the Cornell Medical School stating they had a Jewish quota, there seemed little to be gained by pursuing the suggestion further.

PRIOR TO 1944, most of the attempts to combat discrimination had been through persuasion, pleading, and negotiation. During that period the percentage of enrollment of persons of many minority groups had declined consistently. Practically all the data indicated that the actual and percentage decline of Jewish students, for example, was consistent in practically all types of professional and academic education.

On January 21, 1945, on the eve of the convening of the state legislature, some member of the Mayor's Committee on Unity of New York City released to the *New York Times* a preliminary draft of the report on this topic compiled under my direction. The report openly charged quotas in many departments of the colleges and universities within the city. It quoted statements of admission officials. It analyzed trends showing the decline in opportunities for professional training since 1928—particularly in medicine. The study also coupled this facet of the problem to the need for expanded facilities in higher education in New York State.

This premature report strengthened the hands of many groups in the state in goading the legislature to appoint a commission to study the problems of higher education in the state. This study was guided by a committee headed by Owen D. Young and done under the supervision of Floyd W. Reaves. The investigation lasted two years and documented what was already common knowledge—that discrimination existed; that there was a need for more opportunity in higher education.

From the time of the release of the Mayor's Committee report to the present, six significant investigations have been made. The first was that staged by the City Council of New York City and known as the Hart Report. This study was restricted to the New York City area and dealt principally with medical schools. The data were obtained by testimony under oath. The hearings emphasized the fact that the use of photographs, mother's maiden name, etc., served no useful purpose in passing on the qualifications of candidates, and in effect indicated intent to discriminate.

The second study was that made by the President's Committee on Civil Rights. In its famous report, "To Secure These Rights," issued on October 29, 1947, that committee reviewed the evidence of discrimination in education and recommended "enactment by the state legislatures of fair educational practices laws for public and private educational institutions."

This was followed almost immediately by the report of the President's Commission on Higher Education, "Higher Education for American Democracy." That body also found the existence of widespread discrimination, not only in Southern colleges, but also in institutions in other parts of the United States. It concluded that "considerable thought and study should be given to the establishment of 'fair educational practices' laws" and that "to assure a universal and equal regard for a policy of non-discrimination, the legal method becomes both fair and practical."

The fourth report was that of the Connecticut State Interracial Commission. The study analyzed 1381 questionnaire returns from 2,100 graduates in the classes of 1946 and 1947 in nine high schools in six cities in Connecticut. The study showed that Jewish, Negro and Italian students were discriminated against in the private institutions. This study provided, perhaps, as much quantitative evidence as any of the five on the patterns of discrimination.

The fifth study already referred to, was that conducted by the Young Commission in New York State under the direction of Floyd W. Reeves. This study focused upon barriers of many sorts, but indicated that discrimination existed on a widespread scale within the state.

The last of these reports was that prepared for the American Council on Education under the direction of the Elmo Roper organization. It used the device of polling high school graduates in May as to their choices of colleges and following up in September to determine the extent to which they were admitted to the college of their choice or to some other institution. The study revealed that the Jewish young person of equal academic ability applies to approximately two and one-half times as many places as does the white Protestant, to get the same admission acceptancy. The study did not show an appreciable degree of discrimination against Negro youth in Northern institutions of higher learning.

WHILE THIS VAST ARRAY of data was indicating American College and University practice, the problem was how to get action. The taxpayer suits to remove tax exemption had failed, more perhaps because of the drastic implications of such measures than because of the illegality of the action. The Mayor's Committee on Unity had recommended that the Commissioner of Education in the state of New York correct the injustice. It was the opinion of many of the lawyers on the committee that the commissioner

already had the power to make the corrections, but, failing of such authority, he had the responsibility of recommending legislation which would give him the needed power. Since, however, the state legislature had embarked upon a two-year study of whether there was a need for a state university, the political strategists apparently thought it wise to await the commission's findings before action was taken. Many thought this a bad move, since it made discrimination one of the reasons for the establishment of a university and left whatever was proposed in the way of a state university open to the charge of being a "ghetto" school.

Citizen support was mobilized behind an anti-discrimination law without waiting for the report of the legislature. The New York State Committee for Equality in Education was formed with Dr. Alvin Johnson as its Chairman. At the last moment the politicians thwarted the pressure for an anti-discrimination law in 1947. In 1948, however, the measure became law.

Since, or during, the time of the fight in New York State, New Jersey and Massachusetts passed measures which in one way or another regulated admission practices. Campaigns have also occurred in several other states. Connecticut, Michigan, Illinois and Pennsylvania have been outstanding examples.

This review of the strategies behind civil rights advances in the field of higher education sheds considerable light on the processes through which social change is affected. A few of the principles are worth lifting out for consideration:

1. Facts alone are not enough to move entrenched institutional patterns. Research data provided ammunition, but the weight of the data changed no institution, so far as is known.

2. Usual educational processes of persuasion, argumentation, and negotiation are also sterile. This was the pattern followed from 1920 to 1940. There is some evidence that these tactics worsened the situation and increased the sensitivity of college administrators by causing them to see problems where none had existed before.

3. The public debates on legislative measures of this sort provide the forum *par excellence* for the education of the public to the evils of such practices. Few, if any, will defend quotas in New York State today as contrasted to 1945. This change can only be attributed to the quickening of the conscience of the citizenry by education obtained through these discussions. This has been a universal experience.

4. While teaching against prejudice may be one technique of bringing about the democratic ideal, the removal of the barriers to free association of peoples of different background is a necessary complement if attitude change is to be affected. The law does not say that faculty and students have to like minority group youths, but it has been shown that intergroup association has been a beneficial experience for all concerned.

5. Such legislation has also proved a dynamic in securing better intergroup relations programs. This writer has been reliably informed that many upstate colleges in New York, where they had never had Negro students, have been meeting with Negro leaders to learn how to make the integrated experience a happy one for all concerned. This would not have happened without the legislation which forced them to face the problem.

6. While law cannot change attitudes, it goes a long way toward alleviating the disparity of opportunity which comes from institutional policies which are designed to deny opportunity.

7. To secure this type of social change, definition of public policy through legislation is a necessary ingredient.

As I pointed out in my *American Mercury* magazine article in July 1945, there is a "real element of truth in the complaint of college officials that they cannot solve the problem by opening their doors while all other doors remain barred." Law defines public policy and allows all doors to be opened at once so that no group is self-conscious by being disproportionately represented either way on any one campus.

Above those facets of the problem as they relate to college education are the wider implications of the function of law and social action in a democratic society. The college controversy illustrates anew Cooley's thesis of many years ago that preferment and prestige (even among college leadership) tends to distill out of such persons their sympathies with the people. When this happens it becomes terribly important that "the people" have the instruments whereby they can correct such abuses. Our society, being what it is, affords few channels for such purposes. Law and social action here have a stellar role to play. To quote Justice Wiley Rutledge:

> In democratic life they (law and government) are the only institutions which belong to all the people. Only through them can each man have his say. And if he has none, there is no democracy.

The law and social action approach has made a vital contribution to the development of those techniques through which minorities (and this includes us all at one time or another) can assure themselves that the institutional leadership, however powerful or entrenched, can be brought before the bar of public opinion and made responsible for their stewardship of social institutions to the end that all may participate in the American ideal of equality of opportunity for all.

Church-State Relationships

MILTON R. KONVITZ

ONE MIGHT SAY THAT RELIGIOUS FREEDOM became a matter of universal concern when the Bolsheviks, pledged to the extermination of religion as the "opium of the masses," won power by a *coup d'etat* in October 1917. Upon the Nazis coming into power in Germany in 1933, interest in religious freedom again became fresh and intense. In the course of World War II President Roosevelt, in his address to Congress on January 7, 1941, proclaimed religious freedom as one of the Four Freedoms. Upon the successful conclusion of the war, he said, we look forward to a world founded upon four essential human freedoms. After freedom of speech he placed "freedom of every person to worship God in his own way—everywhere in the world." As soon, however, as the war against Germany, Italy, and Japan was over, the U.S.S.R. began to extend its frontiers and the October Revolution to take in one country after another; and with every step thus taken by the Communists, the essential human freedoms suffered a crushing blow. The result is that in 1950 there is less freedom of religion in the world than there was in 1945 or in 1917.

In 1945 the International Missionary Council published a comprehensive survey of religious freedom throughout the world by Professor M. Searles Bates. The survey showed that "freedom of every person to worship God in his own way" existed in only relatively few places in the world. The survey conducted by *The New York Times*, made public on December 25, 1948, showed that the countries where religious freedom could be enjoyed had become still fewer in number since the Bates survey. The process of contraction has been a continuing one; the Four Freedoms map gives less gratification in 1950 than it did on January 7, 1941.

At the same time, however, the interest in and commitment to religious freedom on the part of peoples dedicated to democracy and freedom have become more intense. The United Nations General Assembly, on December 10, 1948, adopted the Universal Declaration of Human Rights, of which Article 18 provides that "Everyone has the right to freedom of thought, conscience and religion; that right includes freedom to change his religion or belief, and freedom, either alone or in community with others, and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." The Declaration of Human Rights is as yet far from a description of reality; it is, instead, an avowal of ideals and a pledge to change the world to make it more conformable to the heart's desire.

Particularly in the United States, where religious freedom is enjoyed in fuller measure than elsewhere in the world, does one sense a deepening of concern over threats to this freedom, and an intensified desire to extend and deepen its meaning. This has been made evident in a number of significant events within the past several years, especially those relating to bills introduced and debated in Congress to provide federal aid to education. The controversy relating to these bills can be judged more profoundly if it is seen in historical perspective.

THE FIRST FEDERAL AID to education measure was the famous Morrill Act of 1862, which made our land-grant colleges possible. In 1870 the Hoar Bill was proposed, to provide elementary schools out of federal funds when a state failed to establish satisfactory elementary schools. Among opponents to this measure was the Roman Catholic Church, which at that time indicated a willingness to go along with federal aid if it were extended to its own schools. The bill did not come to a vote. From 1872 to 1880 eleven similar bills were introduced in Congress, and of them one passed the House of Representatives (in 1872) and another passed the Senate (in 1880), but not one bill was passed by both branches of Congress. The next—and thus far the last—federal aid to education bill to pass the House of Representatives was the Curtis-Tillman bill in 1925. The Senate passed the Blair Bill in 1884, 1886 and 1888. While several other federal aid measures were hotly debated by the Senate at various times—notably the Smith-Towner bill in 1919—it was not until April 1948 that the Senate again passed a measure—famous S. 472, the Taft Bill. On May 5, 1949 the Senate again passed this measure, now called the Thomas Bill, S. 246. Although the House of Representatives has passed no federal aid bill since 1925, during the last several years, however, it has debated the Barden Bill, which was killed in committee along with the Thomas Bill.

The Thomas Bill authorizes financial aid to parochial schools conditionally. Under this bill a state would be permitted to use federal funds for "nonpublic educational institutions" if the federal funds for this purpose are matched with an equal amount of state or local revenues. A survey by the National Education Association, which sponsored the bill, shows that it is the practice in eighteen states to pay bus transportation of parochial school pupils out of public funds, and in five states to provide textbooks

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to parochial school pupils at public expense. The Thomas formula was not approved by the Roman Catholic Church, which took the position that federal funds should be available for these so-called auxiliary services to both public and parochial school pupils without regard to limitations found in state laws and practices. The Barden Bill, however, was found even more objectionable because it made no provision at all for the use of federal funds for auxiliary services.

The controversy over the Barden Bill became a conflict over competing fundamental principles after the U. S. Supreme Court decided the New Jersey bus-fare case, *Everson v. Board of Education,* on February 10, 1947, and the released-time case, *McCollum v. Board of Education,* on March 8, 1948. In these cases the Supreme Court, for the first time, said that religious freedom means a wall of separation between church and state. The First Amendment and the Fourteenth Amendment mean, said the court, that

> Neither a state nor the federal government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. . . . No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called. . . . In the words of Jefferson, the clause against establishment of religion by law was intended to erect "a wall of separation between church and state." (Mr. Justice Black, for the court in the *Everson* case.)

Previous decisions of the court had made it clear that no person could be subjected to civil or political disabilities by law because of his religious belief. The "freedom of every person to worship God in his own way" had become well established and was no longer open to question. Fredom of religion in the sense in which it is defined in Article 18 of the Universal Declaration of Human Rights had long been established in this country and was not being threatened. The opinions of the Supreme Court in the *Everson* and *McCollum* cases went beyond religious freedom in these senses: it means also a high and impregnable wall of separation between church and state, so that any aid by government to religious institutions, even if all denominations be treated with equal generosity, is prohibited.

This interpretation of the Constitution was at once challenged in a statement made public on November 21, 1948, by nine archbishops and five bishops of the Roman Catholic Church in the United States. They called on the American people to fight "the impending danger of a judicial 'establishment of secularism'." They attacked the Supreme Court for opinions which, they said, "pay scant attention to logic, history, or accepted norms of legal interpretation." The Supreme Court, they said, had adopted "an entirely novel and ominously extensive interpretation" of the First and Fourteenth Amendments. In other statements by Roman Catholic spokesmen it was made clear that the Catholic interpretation of the Constitution meant: (1) a prohibition upon any one church being established by Congress as the national church, (2) power of Congress to aid all churches and denominations without discrimination—the principle of "distinction and cooperation," and (3) no interference by the federal government in the church-state relations of the individual states. If the question were put, I think spokesmen for the Catholic Church would add a fourth aspect of religious freedom in the United States; namely, religious freedom in the sense in which the term is used in the Four Freedoms address of President Roosevelt and in Article 18 of the Declaration of Human Rights.

In his famous letter to Mrs. Roosevelt, dated July 21, 1949, Cardinal Spellman restricted the controversy, as it related to the Barden Bill, by saying that he will insist on parochial schools receiving federal aid for auxiliary services: bus fares, health benefits, and "standard non-religious textbooks."He reaffirmed this stand in a statement on March 22,1950, adding: "I cannot insist often or strongly enough, in denying that we are asking aid for parochial schools, either for their construction, maintenance or the salaries of teachers."

THE POSITION TAKEN by the Roman Catholic Church with regard to federal aid to education measures and its opposition to the principle of separation of church and state has had the effect of crystallizing public opinion on these issues. The Executive Committee of the Federal Council of Churches of Christ in America adopted a resolution on January 28, 1947, affirming "our continued adherence to the American principle of the separation of church and state, and to the principle that public funds should not be used for sectarian purposes." Similar resolutions were adopted by the Synagogue Council of America following a conference in June 1947. During that year leading Protestants conducted conferences out of which emerged a new organization: Protestants and Other Americans United for Separation of Church and State. Its Manifesto, issued January 12, 1948, states: "Congress and all state legislatures, and all executive and judiciary agencies of government must be warned that they are playing with fire when they play into the hands of any church which seeks, at any point, however marginal, to breach the wall that sharply separates church and state in this country."

The *Everson* and *McCollum* cases have certainly broadened and deepened the constitutional meaning of religious freedom. It will take many struggles, however, before the opinions of the Supreme Court Justices will be widely implemented by state legislatures and courts. Thus the Supreme Court of New Jersey decided on October 16, 1950, that a 1903 statute which requires the daily reading of at least five verses of the Old Testament in public schools is constitu-

tional; and on June 19, 1950, the New York Supreme Court held that the released-time plan of the City of New York was distinguishable from that involved in the *McCollum* case and is constitutional. In New York, Kosher butchers who kept their shops closed on Saturdays and open on Sundays, were recently convicted on charges of violating the New York State Sunday-closing law. Several months ago, by a four to two decision, Mississippi's Supreme Court ruled for a second time that non-profit sectarian hospitals are eligible for grants under the state's hospital construction program. These are cited as typical instances of what may be said to be breaches in the wall of separation.

In some instances the violations of the Constitution are flagrant. Thus, a survey made by the National Education Association of religious education programs in public schools in 1948-1949 disclosed that out of 2,639 school systems which furnished information, 708 admitted some type of program currently in operation; and of these 708 school systems, 15 per cent held religious instruction programs in the public school buildings and during school hours. On the gain side of the ledger, however, it should be pointed out that 310 school systems indicated that they had discontinued their religious instruction programs, and more than half of these stated that the discontinuance had been occasioned by the *McCollum* decision.

The present situation may be stated in the words of Mr. Justice Frankfurter in the *McCollum* case, that the decision "demonstrates anew that the mere formulation of a relevant constitutional principle is the beginning of the solution of a problem, not its answer." In comparison with other countries throughout the world, Americans have advanced far beyond the beginning of the solution of the problem of church-state relations. But when the situation is judged by our own American principles, we have yet a long way to travel. We have not yet answered the problem; we do, however, know where we want to go and are on the way.

And it has become apparent in recent years that many Americans do not consider even the principle of separation sufficient. They wish the federal and state governments to take an active part in creating an atmosphere of religious freedom by prohibiting discrimination against a person, because of his religion or creed, in private employment. In 1945 New York passed the first Fair Employment Practice Act. Now there are eight states with such laws. The principle of these statutes has been extended to educational institutions. New York enacted the first Fair Educational Practices Act in 1948, and its example has been followed by New Jersey and Massachusetts. Some municipalities have enacted local FEPC ordinances.

These developments — despite the failure of a federal FEPC bill to pass—mark a substantial advance in the American philosophy of religious freedom. They point toward a goal not envisioned even by Jefferson and Madison: that governments are instituted to secure "certain unalienable rights"; that among these rights are "Life, Liberty and the pursuit of Happiness"; that freedom of religion, one of the "unalienable" rights, may be enjoyed, not only as against government interference, but also as against government aid or assistance; that a man should be free to enjoy his religion without impairing himself in his pursuit of happiness; that governments have the duty to establish the link between freedom of religion and the pursuit of happiness by providing that religion shall not hinder or impair a man's energies in the pursuit of his happiness.

For to millions of Americans a life without their own religion would mean a life without happiness. But not by religion alone does a man live; he needs also bread—a job,—and an education—to win a better job and to broaden his vision of life and the world —and even to broaden his religion. He does not want to gain the whole world and to lose his soul by taking on the religion of the employer or the university of his choice. The FEPC Acts and the Fair Educational Practices Acts, read together with the principle of separation of church and state, make it possible for a man to pursue happiness without compelling him to change his religion. Thus he can gain the whole world and yet not lose his soul. He can live—and not by bread alone; he can sell one of his two breads and buy a hyacinth for his soul.

Jefferson and Madison would, I believe, approve this development in American constitutional principles as conformable with "the Laws of Nature and of Nature's God."

Thus today religious freedom in the United States stands for three propositions: (1) Freedom of conscience and worship; freedom to teach one's religious faith in private and in public; freedom to change one's religious beliefs; freedom to be non-religious or an atheist. (2) Complete separation of church and state. (3) The state has a duty to prevent discrimination against a person by reason of his religion or creed.

The last two propositions have been formulated constitutionally within the last five years. These are great steps forward in the march of freedom in our country, and an American may justly think and speak of them with gratification. It will take many years and much effort, however, to see these principles generally accepted and implemented. The price of liberty is still, as it ever has been and will be, eternal vigilance.

The Fight for Job Equality

WILL MASLOW

THE LAST FIVE YEARS HAVE WITNESSED GREATER advances in the effort to eliminate racial and religious discrimination in employment than in any other period in American history but the fight for effective federal FEPC legislation has been stymied and the outlook for the next two years is far from bright.

President Roosevelt's wartime Committee on Fair Employment Practice came to an untimely end in June, 1946 and Senate filibusters killed FEPC bills in 1946 and 1950, but the FEPC drive in the states gained greater momentum, resulting in the enactment of effective FEPC laws enforced by administrative commissions in eight states and four large cities. The chances of further state legislation are particularly good in Illinois, Minnesota, Ohio and Pennsylvania and somewhat less favorable in California, Indiana, Michigan and Wisconsin, all of whose legislatures will convene early in 1951.

The FEPC movement began early in 1941 when rising Negro protests against their exclusion from defense plants led to the issuance by President Roosevelt of his historic Executive Order 8802 in which he proclaimed the "duty" of employers and labor unions "to provide for the full and equitable participation of all workers in defense industries, without discrimination because of race, creed, color or national origin." The Presidential Committee established by this Order performed two great functions: it popularized the concept of non-discrimination in employment until the term FEPC became a by-word throughout the country and by its own weaknesses it demonstrated that only by means of legislation could the widespread practice of discrimination be diminished.

Another useful function served by the Presidential FEPC Committee, headed by Malcolm Ross, was to awaken the country to the prevalence of discriminatory practices. The insistence of the railroads on white locomotive engineers and even white stewards in railroad diners, the system in the Southwest of paying Latin-Americans less than Anglo-Saxons for the same work, the exclusion of Jews from vocational schools, the "auxiliary" or second-class Negro locals in many unions, the segregation of Negro employees in governmental bureaus in Washington and their failure to receive deserved promotions, the segregated cartridge plants of St. Louis, all were demonstrated by the FEPC committee to a nation largely unaware of such practices.

The wartime FEPC provided the inspiration for state counterparts and in March, 1945 New York enacted the Ives-Quinn law which prohibited racial and religious discrimination by employers and labor organizations. The New York law, which created an administrative agency with power to investigate complaints, hold hearings and issue cease and desist orders enforceable in the courts, was in turn copied by New Jersey (1945), Massachusetts (1946), Connecticut (1947) and Rhode Island (1949), New Mexico (1949), Oregon (1949) and Washington (1949).

In two states, Indiana and Wisconsin, counterfeit FEPC measures without enforcement powers were hurriedly enacted in 1945 to head off the drive for effective FEPC laws. The total failure of the exhortatory statutes in these two states has served as an object lesson to the country that persuading employers and labor unions voluntarily to cease job bias can only succeed when sanctions are available to compel negotiation and induce compliance.

In a few cities where campaigns for state FEPC laws had failed, effective fair employment practices ordinances were adopted e.g., Minneapolis (1947), Philadelphia (1948), Cleveland (1950) and Youngstown (1950). Less effective ordinances, which merely made discrimination a crime but created no enforcement machinery, were enacted in Chicago (1945), Milwaukee (1946), Seattle (1946), Phoenix (1948) and Richmond, California (1949). Civil rights agencies found it easier to persuade city councils than state legislative bodies dominated by rural and conservative lawmakers.

BY 1948, FEPC, had become a major political issue. In 1949, an unprecedented "Emergency Civil Rights Mobilization," organized by Negro, Jewish, labor and liberal groups, was held in Washington and 4,000 delegates gave the Powell-McGrath FEPC bill top priority on their legislative calendar.

The choice of FEPC over anti-lynching laws or poll tax repeal was a realistic appraisal that FEPC alone promised lasting results. Repeal of the poll tax is no longer considered a panacea for the disenfranchisement of the Negro who is being kept from the ballot today by literacy tests, discriminatory registration requirements and outright intimidation. Nor is there much confidence that a mere federal prohibition of lynching will curb the mob violence which periodically erupts throughout the country. Priority to FEPC, however, meant the difficult task of overcoming the determined opposition not only of Southern Democrats but of conservative Republicans as well.

In the 81st Congress a determined bloc in the House began the FEPC fight by circumventing a hostile Rules Committee. Invoking a little used parlia-

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mentary device, they were able for the first time to force a vote on a Federal FEPC bill. The House Republicans who had teamed with the Northern Democrats to bring the bill to the floor were opposed, however, to a bill with enforcement powers. Uniting with Southern Democrats, they were successful in stripping the Powell bill of its sanctions.

The weakened Powell bill, finally passed by the House, reflects the philosophy of Senator Robert A. Taft who has campaigned against "coercive" legislation. While it empowers an FEPC commission to make investigations, receive complaints and hold public hearings, the commission can only issue "recommendations" to employers and others found guilty of discrimination. Obviously such recommendations will not be taken seriously in the South or by die-hards in the North, and so the commission would be weakest where the problem was most acute. The arguments that innocent employers would be falsely accused or harassed and that "Washington bureaucrats" would be interfering with the management of business seem pitiful subterfuges of those who conceal their opposition to positive efforts to curb discrimination behind the smokescreen of "education."

When the Powell bill reached the Senate, the inevitable Southern filibuster developed and although 55 Senators voted to limit debate they failed to achieve the necessary two-thirds required by the antiquated and disgraceful cloture rule.

The fight for Federal FEPC nevertheless still continues, although civil rights groups, realizing that a filibuster by 22 Senators (from eleven Southern states) is a formidable obstacle, are planning to shift their ground to an attack on the outmoded Senate rules. Cloture by majority of all those voting instead of by two-thirds of all those elected will be the objective in the 82nd Congress.

Renewed efforts will also be made during the present war mobilization program to induce President Truman to issue another Executive Order, recreating a President's Fair Employment Practice Committee to police defense contracts which still contain clauses forbidding discrimination by contractors. It is well within character for the stubborn man from Independence to defy the Southern wing of his party, create a new FEPC and keep the issue at white heat until 1952.

MEANWHILE the emphasis in FEPC states and cities has shifted from legislation to the more difficult and less glamorous problem of enforcement.

At first, the New York State Commission Against Discrimination (SCAD) and its counterparts in New Jersey, Massachusetts and Connecticut, approached their responsibilities with an excessive concentration on "education" and an unwillingness, akin almost to timidity, to invoke the coercive provisions of the laws they were enforcing. Year after year the FEPC commissions would announce in their annual reports that they had had no occasion to issue any formal complaints against an employer or schedule any public hearings because in all cases in which they had found discrimination they had been able to induce compliance with the law by mere persuasion. Minority groups had no means of determining whether such phenomenal success was due to the cooperation of the accused or to a policy of accepting paper promises of future compliance, instead of a harder policy based on awards of back pay, hiring and reinstatement. For the commissions failed to disclose the details of the settlements they reached.

The relatively small number of complaints filed and the unwillingness of the commissions to proceed with its investigations except when a complaint had been filed created further dissatisfaction with the law from civil rights agencies.

HAPPILY as a result of public protests, there are indication that the kid-glove policies of the commissions are being abandoned. Last year, two public hearings were scheduled in New York and one in Connecticut. (In one of these hearings, SCAD insisted on a back pay award of $3,000.) In New York, heeding the advice of its friendly critics SCAD began to attack discrimination on an industry-wide basis instead of merely sitting back and waiting for complaints to come in. Its publicized conferences on the problems of discrimination in employment agencies, the most intransigent foes of the FEPC law, demonstrated a determination to "crack down" on offenders.

The Connecticut Commission recently announced a policy that no case would be settled where discrimination was found unless the complainant was hired, a policy not yet adopted, for example, by the Massachusetts Commission.

The Connecticut Commission has in many ways developed into the most effective of all the new commissions. Beginning in 1943 as another "educational" agency which strove to improve relations among the various racial, religious and ethnic groups in the state, enforcement powers were conferred upon it in later years. Today it administers a statewide FEPC law, enforces the Connecticut equal public accommodations statute and also has jurisdiction to prevent discrimination in public housing. In 1951 a determined effort will be made to give it in addition powers over discriminatory educational practices. The Connecticut Commission, headed by ten unpaid citizens, has shown a commendable zeal and resolute purpose to use all of the powers vested in it to stamp out discrimination.

The actual results achieved by FEPC laws are difficult to measure, because industry now keeps no

record of employment by race or religion. But some gains are easily visible. Throughout the country there is an encouraging flow of reports that Negroes are being employed at job classifications hitherto denied them—as department store salesgirls, in telephone companies, in banking and insurance institutions and in a variety of other positions. The job gains for Jews are more difficult to assess but Jewish applicants in FEPC states are no longer questioned about their religion on application blanks or in placement interviews and it is safe to assume that job bias against Jews has lessened somewhat. The greatest obstacle to eliminating discrimination against Jews and other minorities remains the unwillingness of rejected applicants to file complaints when other jobs are still available. FEPC laws have been operating during a high level of employment; the real test will come in a period of job scarcity.

One lesson must be drawn from the state FEPC experience. Civil rights agencies must realize that the enactment of a law is only the first step in the effectuation of its purpose. The task of promoting public awareness of the law, of stimulating complaints, of bringing test cases, of obtaining adequate budgets and, more important, of adequate administration, the continued vigilance necessary to assure appropriate enforcement policies and that these policies are carried out, require a mobilization of effort incomparably more difficult than the task of promoting a successful legislative campaign. Unless the community shares in the administration and enforcement of these new anti-discrimination laws they will disappoint the high hopes of their sponsors.

The achievement of an effective Federal FEPC law requires much more than the lip service paid to the ideal in political platforms and campaign speeches. Unless the FEPC supporters in the Congress can become as determined and ruthless as the die-hard Southern bloc, victory is indeed remote. And neither party will undergo the internal strife and the physical punishment required to smash a filibuster or amend the Senate rules until the country demonstrates that obstructing FEPC is political suicide.

Towards that end, minority groups, labor organizations, church agencies will need to unite a nation-wide campaign of lining up support for FEPC. If they succeed, they will have taken a major step towards the goal of full equality in a free society.

Freedom to Dwell Together

CHARLES ABRAMS

THE HOUSING SITUATION FIVE YEARS AGO PRESENTED a curious anomaly. We had emerged from a world conflict animated by the democratic symbols of freedom and equality. Freedom of religion had been suppressed by the enemy; national minorities wiped out; a population the size of Sweden exterminated solely because of its race. Poignant human emotions were stirred. The dawn of victory brought an atmosphere set for a new renaissance of tolerance, equality and human kindness. A charter of freedom was written with a faith in the "fundamental freedoms for all without distinction as to race."

Yet while these gains were being won, a startling infirmity appeared in our own social structure. We had progressed far on the road toward racial equality since the Civil War—far more than we had been credited with abroad. But in housing we had actually retrogressed. Segregation in shelter was being foisted upon minorities by duress. Negroes, Mexicans and Orientals were being confined to ghettos and threatened when they sought to settle elsewhere. The restrictive covenant, originally designed to exclude tanneries and potential brothels, was now being employed to ban human beings. Few building developments were without their covenants, and developers vied with each other in excluding more races than their competitors. Discrimination in housing spread with alarming pace to proscribe Jews, Japanese, Europeans and even American Indians. The land of the free was now plastered with covenants; the homes of the brave were reserved for the brave of the "right" color and ancestry. The self-evident truth that all men are created equal had now firmly established shelter as its first exception.

The tide had been set on its course by *Plessy v. Ferguson* and those other inauspicious decisions which had ordained that to be separate is to be equal. With this as a precedent, the courts of twelve states not only held the racial covenant valid but undertook to use their equity powers to punish for contempt any owner who violated them. The Federal Government soon gave both its blessing and its active encouragement to segregation when the Underwriters' Manual of the Federal Housing Administration advocated occupancy in FHA developments "by the same social and racial classes," deplored "adverse influences" such as "unharmonious racial groups," and even prescribed the form of covenant to be used to keep the minorities in their place.

That the United Nations Secretariat had already contracted with the Metropolitan Life Insurance Company to allow the latter to screen UN personnel

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seeking apartments in Stuyvesant Town on account of their race was generally indicative of the prevailing feeling, even in the more inspired quarters: "Negroes and whites don't mix. We may as well be practical and follow existing precedents and prejudices. All the high moral talk of equality is so much gibberish, uttered solely for its tonal value." Not even the Soviet voice, always eloquent in its condemnation of America, was heard in protest.

It was all a remarkable demonstration of how a little violation of principle, once suffered, can swell into a great iniquity. It showed vividly that though the value of the dollar may rise and fall, the price of democracy remains the same—eternal vigilance.

WHEN war ended, there were, however, two hopeful factors. One was the postwar atmosphere which was conducive to a rebirth of moral principles. The second was the successful experiment in interracial living in public housing projects in New York City, Chicago, and Los Angeles, which demonstrated that under certain circumstances, the interracial tensions existing in neighborhoods can be eliminated and a harmonious atmosphere achieved.

When the fight to reestablish minority rights was organized, the odds were overwhelmingly against the minorities. That such important progress has been made is due in no small measure to the American Jewish Congress which took the leadership and carried the main burden in many of these contests. A chronology of the main developments in the housing field will underscore the progress and the setbacks in the last five years:

December 5, 1946: President Truman appoints a committee of citizens to make recommendations for the more effective protection of civil rights.

January, 1947: In response to pressure by citizens' groups, FHA amends its Underwriters' Manual by changing the direct and open reference to encouragement of racial covenants to implicit encouragement.

July, 1947: After disclosure in the *New York Post* and in response to pressure by UN personnel, the United Nations Secretariat cancels its agreement with the Metropolitan Life Insurance Company which would have allowed the latter to screen UN tenants on account of race or color.

July 28, 1947: Judge Felix Benvenga, in the Supreme Court of the State of New York, upholds the rights of the subsidized Stuyvesant Town Corporation to discriminate in the selection of its tenants on account of color and race.

October 29, 1947: The President's Committee on Civil Rights files its report advocating legislation to outlaw the restrictive covenant and urging intervention by the Department of Justice.

May 3, 1948: The U. S. Supreme Court rules that while racial restrictive covenants are legal between the parties, courts may no longer enforce them. (*Shelley v. Kramer; McGhee v. Sipes.*)

February 18, 1948: The FHA Underwriters' Manual is amended so as to remove references to the racial and color factor in the evaluation of property for FHA insurance. The practice, however, still continues in the field.

September 20, 1948: Queensview, a large private cooperative with mixed tenancy is announced, and its shares are thereafter oversubscribed.

March 3, 1949: Chicago votes down an ordinance to outlaw racial discrimination in publicly-aided private projects.

April 14, 1949: Senators Cain and Bricker, opponents of civil rights legislation, devise the novel tactic of proffering anti-discrimination amendments as a means of defeating social legislation, such as public housing which favors minorities. The amendment is voted down and the Housing Act of 1949 is passed.

May 16, 1949: San Francisco adopts an ordinance to bar racial discrimination in publicly-aided private projects.

July 19, 1949: The New York Court of Appeals, by a 4-3 decision, upholds Judge Benvenga's decision authorizing racial discrimination in Stuyvesant Town.

December 2, 1949: Solicitor General Perlman, at a meeting of the New York State Committee on Discrimination in Housing, announces that FHA will thereafter not insure mortgages on property on which racial covenants are filed after a given date. The same policy is announced for the federal urban redevelopment program.

December 11, 1949: The Public Housing Administration announces its decision to respect local determinations on the policy of segregation though requiring "equitable participation" in the program.

December 12, 1949: A Missouri court rules that though courts may not enforce restrictive covenants under the Supreme Court decision, they may nevertheless award damages for violation of the covenants. (On *October 5, 1950,* a Federal judge in Washington, D. C., held to the contrary.)

December 16, 1949: New York City outlaws future discrimination in publicly-aided housing.

March 30, 1950: New York State adopts legislation outlawing discrimination and segregation in all publicly-aided housing and urban redevelopment projects (New Jersey subsequently adopted similar legislation; however no specific reference to segregation is included in this legislation. Philadelphia banned segregation in public housing.)

June 5, 1950: The U. S. Supreme Court refuses to review the New York State Court of Appeals decision in the Stuyvesant Town case.

October 1950: A Massachusetts Statute bans discrimination and segregation in public housing.

It is evident from a review of these events of the

last five years that though there have been both gains and losses in the war against racial discrimination in housing, it is far from won. The most that can be said is that what was once regarded as a lost cause now hangs in the balance.

The newest and most serious threat to minorities has now arisen in the urban redevelopment program. It is the latest, and the most ominous of the devices conccived in the name of "civic improvement" to oust unwanted minorities from their homes. Zoning and the restrictive covenant were its precursors. Although overcrowding by non-whites is four times as severe as for whites, they are being ousted from their humble homes to make way for public works and private projects which won't have them as tenants. If the urban redevelopment program proceeds without adequate protection of the minorities affected, we shall witness the most flagrant violation of minority rights since the Civil War. The minority member has been the victim of private prejudices and even public exclusion practices, but never has public power been used to oust him from his home for private benefit. That this is being done in the name of social reform and called a public benefit makes the menace even more threatening.

This and the Cain-Bricker maneuver point up the need for overhauling past policies in the fight to achieve racial equality. Civil rights legislation and bills of rights can no longer be relied on unconditionally. Long-term, as well as short-term gains must be held in view and the friends of minorities must be alerted against well-sounding deceptions uttered in the name of "racial equality," "civil rights," and "social reform." A war relies not only on banners and goal symbols, but on tactics and strategy as well, and the struggle to preserve democracy in America is no exception.

It is with this in view that the following ten-point program is proffered:

First—and foremost—is the need to ease the housing shortage which is responsible for the growing intensity of feeling between races. Unless the shortage is eased, the racial problem in housing can never be solved.

Second: In view of this, projects which reduce the quantity of shelter available to minorities should be discouraged; projects on vacant land which increase the supply encouraged. It is important to understand that housing on vacant sites is a boon, slum clearance of minority housing during a housing famine may be a menace.

Third: Interracial projects have now progressed both in public and large-scale private housing to a point where they have demonstrated their economic and social feasibility. Large-scale projects should alter their policies to admit Negro tenants. The social agencies and the government should lend their efforts toward disseminating the information on successful interracial occupancy so as to expand the policy wherever feasible.

Fourth: There must be a positive policy by FHA that the Federal Government will not insure mortgages on projects where the developer discriminates on account of race, creed or color.

Fifth: The Public Housing Administration must publicly disavow its implicit acquiescence to local segregation. The Civil War should have disposed of the argument that home rule or states rights is warrant for violating the Federal Constitution. FHA can start with projects in the North where no valid reason for segregation and discrimination in large projects is necessary. While the Southern situation is difficult and a longer-term job, the minimum start there can be education by the agency. In any event, the South must not be allowed to be used as a pretext for extending and perpetuating segregation in the North.

Sixth: The fight to ban segregation and discrimination in housing by state law similar to the New York legislation should be extended. The recently established National Committee on Discrimination in Housing and local organizations like the New York State Committee on Discrimination in Housing should be supported in all cities and states. A primary aim should be a state-wide commission to investigate into the problem and to propose legislation as needed.

Seventh: Continued tests should be made before the Supreme Court challenging the legality of racial discrimination and segregation in publicly-aided projects.

Eighth: An effort should be made to have the Supreme Court rule on the right of courts to award damages for a violation of restrictive covenants.

Ninth: On all urban redevelopment projects or improvements, where public aid or power is used, minorities should be granted equal rights to enter the new developments, whether private or public.

Tenth: A permanent commission of civil and political rights should be set up by the President, whose main tasks shall be to educate the public in racial tolerance and elevate federal agencies to the practice of fundamental principles and the prevention of their violation in the name of "practicality."

The racial issue in America is being pointed up by its enemies as the outstanding example of the failure of democracy. It is being used by them to pit race against race in Korea and elsewhere. What can be more "practical" than taking the leadership in establishing "the fundamental freedoms" so that people will "live together in peace with one another as good neighbors"? This is more than an exercise in rhetoric or a mere slogan. The safety of democracy itself may be at stake in the process.

Policing the Airwaves

SAUL CARSON

THE TROUBLE WITH BROADCASTING IS THAT IT IS full of nice people.

Salt of the earth, of course, is the public—which makes up one leg of our broadcasting system's tripod structure. The second leg is named the Federal Communications Commission (FCC). I doubt whether in all of Washington there is a harder working, more thoroughly abused and misunderstood, and on the whole more conscientious group of government functionaries than the six men and the woman who make up the FCC. Then there are the broadcasters themselves—the owners and operators of the transmitters over which the sounds and pictures are sent for our edification. Was there ever a sweller bunch of guys? They bring us such amusing programs, they lighten so many of our burdens, they make us laugh, sometimes they even stir our emotions, upon occasions they have been informative too. How can you condemn such nice people if they are not thorough scoundrels? America, being decent and tolerant and fair, does not take from a man his bread and butter—or pheasant and champagne—unless he can be proven to be a heel. And the broadcasters, as a group, are far from being men of evil character.

Their end product may not be very beautiful—they remind me of the singer of whom a comedian once said: "She may not be the most beautiful woman in the world, but then she's not much of a singer." The broadcasters, among themselves, don't pretend that they are poets. They are businessmen, largely on the honest side too. That's what makes the situation so much tougher for those of us who cry in the night for broadcasting more responsible and enlightened, more conscious of values both cultural and social. Most of the time, we're barking up the wrong tree. We go hunting for bigots and, once in a while, flush out an unsavory example. But we don't have the public with us because there aren't enough of the patently putrid. The result is that, conditioned as it is to tolerance, the American public condones all antics—not only of the virtuous but of the vile too. Especially is this true when the vicious hide behind virtue.

I THINK it's time we went after the nice people. Attacking the obviously bigoted hasn't taken us very far. We knock a Father Coughlin off the air, and an Upton Close and a Gerald Winrod take to the kilocycles. We go after a G. A. Richards—he runs advertisements decorated with a cunning little figure hiding behind a star-spangled hat, obliquely refers to himself as "free speech Mike," gets some of his pals in Congress to raise some mild hell, and continues to broadcast over three fifty-thousand-watt radio stations almost five years since he told one of his newscasters at KMPC, Los Angeles:

> I own this station, lock, stock and barrel, and that's the way it's going to be. . . . Now the goddam kikes and Communists and union racketeers are screaming their heads off for ridiculous wages, trying to ruin good Americans. Why, Washington is full of Jews and niggers running the government. Unless you are a Jew, you can't even get a government job now.

The newscaster to whom Richards made that statement is a man named William Pennell. The affidavit swearing to the accuracy of that statement is in the files not only of the Commission on Law and Social Action of the American Jewish Congress, where I first saw this almost incredible document. The affidavit is on file also with the FCC. But Richards is still a broadcaster.

The American Jewish Congress once conducted a campaign against the granting of a Frequency Modulation license to the New York *Daily News*. Quoting from *News* editorials, editorial cartoons, news stories, and columns, it established quite a case to substantiate the contention that the newspaper, having been guilty of unkind utterances about various minority groups, was not entitled to the public trust which a broadcast licensee must have. The *News* did not get its FM license. But the reasons given by the FCC rested upon others than those raised by the CLSA. And the *News* did get a broadcast license—for television!

Not that the *News*' television is any worse than that of many another broadcaster's. It is still a notch above the Du Mont network's video output which, even in the industry, is referred to as "television's bargain basement." You see, that's another of the difficulties of operating in the broadcasting field along principles that guide other fields of social action. Because there is a Communications Act laying down certain minimum patterns of behavior for broadcasters, none can be half as unconscientious as his newspaper. There has been very little held over the years against WGN, which is owned and run by the same Col. McCormick whose Chicago *Tribune* is considered by so many as the World's Greatest Nuisance.

Yes, in broadcasting even McCormick can be beyond cavil. But McCormick's broadcasting operations —or Richards', for that matter—cannot be fought successfully because we fail to go after those who are among the industry's silk stocking boys. We level all our ammunition against Richards or the *News,* and fail to follow through even in those instances. We leave the nice fellows—the big networks, the top men like Dave Sarnoff of RCA (which owns NBC) and

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Bill Paley (board chairman of CBS) entirely alone. We'd get further if, while we maintained our vigilance against people like Richards or Close, we aimed our biggest guns against the decent citizens like Sarnoff and Paley.

It's they (I use their names, of course, as symbols) who owe us more and give less. CBS spent several million dollars building up its Sunday night comedy programs. NBC is spending this year $50,000 each Sunday night for a mammoth, quite accurately labeled "The Big Show" and both networks have cut classical music broadcasting down to the bone.

WHAT HAVE these things to do with Social Action? Just this: They go further toward cementing the broadcaster's position against giving to the public anything but laughs and buffoonery. They help tighten the vicious circle which goes around like this: (1) Radio (include television too) is a mass medium; (2) the masses prefer a solid diet of comedy, variety, etc.; (3) therefore, give them more comedy, variety, etc. The only flaw is in the middle. One of the most sapient of radio's critics among academicians, Charles A. Siepmann, is fond of quoting Bernard Shaw's "Get what you want, or you will be forced to like what you get." Robert M. Hutchins, chancellor of the University of Chicago, puts the same thought this way: "An audience cannot be expected to demand something it has never heard of."

It's the Sarnoffs and the Paleys who are keeping the audiences from learning of the finer things they might get through broadcasting. The lesser lights follow the big fellows. Broadcasters cry over their relative "competitive position"—and throw another disc jockey, or quiz show or comedian into the breach. They seem not at all to think of competing along the fundamental lines of cultural enrichment. And where cultural values mean little, social values are not likely to shine. If Toscanini can be allowed to get mad at NBC because his pet studio had been turned over to television; if the New York Philharmonic can be kicked around by CBS; then how much civic consciousness can you expect from that local station in Pittsburgh, Los Angeles or Tallahassee?

I am not asking for less work by the AJC's Commission on Law and Social Action. It has been the outstanding watchdog over the public's conscience in broadcasting, fighting more vigorously and more consistently than the only group scoring a relatively low second, the American Civil Liberties Union. But what CLSA does is not enough. It is excellent as a defensive group. But offence is needed if broadcasting is to meet its obligations.

What should be done to make the broadcasters toe the line? In the first place the FCC should be encouraged—perhaps *forced*—to come closer to its obligation to examine a broadcaster's program practices as a whole. Would that be considered government "meddling," "tyranny"? I think that the late Professor Alexander H. Pekelis, in defending the AJC's position in the *Daily News* case several years ago, answered such an argument. Prof. Pekelis wrote:

> In no other field is the danger of a private tyranny greater than in that of broadcasting. Freedom of the air cannot mean freedom from government; it can only mean freedom through government—through an enlightened and vigorous government, resolved to permit the use of the priceless public domain of the air solely in the "public interest, convenience and necessity."

Choose your tyranny, government or private. If we have half the confidence in our democracy that we profess, then let us give our public servants the power and the authority to enforce rules for our weal.

THERE is something else we might do: Go into the broadcasting business ourselves. One grand opportunity was muffed a couple of years ago when G. A. Richards was hanging on the ropes. At that time, it would have been possible for a vigorous individual or group to bid successfully for at least one of the three radio licenses held by Richards (he runs stations in Los Angeles, Cleveland and Detroit). The suggestion was made publicly to men of means and unquestioned integrity. No one moved. No one was interested enough in taking Richards' licenses away from him. Now his case is still dragging on before the FCC. Since one of the charges against Richards was that he forced newscasters to glorify MacArthur (while coupling the terms "Jew," "Communist," "gangster," etc.)—finish that sentence yourself.

But it is possible for conscientious men to go into the broadcasting business. It is possible to establish at least one radio or television station—or to buy one—in one metropolitan center, and let that station act as a yardstick for the country. Or are there not enough of us firmly enough convinced of America's mental and civic health to believe that we could give a broadcaster's competing comedy and perpetual variety a run for the money? Are we really to accept the broadcaster's concept about life being one big yock?

There have been other suggestions. One is that a national board of broadcast evaluation be established—a board with solid enough backing, prestige and guts. The Commission on Freedom of the Press favored such a step. Hutchins and Siepmann think it has value, and a number of us on the professional side of radio-TV criticism have been urging the move for years. Until some well-heeled foundation comes across with the money to launch such an organization, it will not materialize.

It's time we of the public took our rightful position in broadcasting. We must not only perform the negative acts of chasing the bigots off the air. We must

do the positive things leading toward the kind of broadcast programming a great democracy deserves. We cannot do that by leaving the job to the industry. Last May, Wayne Coy, chairman of the FCC, paraphrased a famous remark about generals and war by declaring that "broadcasting is too important to be left to the broadcasters." With television spurting ahead, and radio due still to hold its broad audiences for many years to come, we compound the felony against ourselves by further delay. The law is clear on one point. The airwaves do belong to the people. Let's use them that way.

Immigrants Not Wanted

JACK WASSERMAN

TODAY THE IMMIGRATION AND CITIZENSHIP LAWS of the United States bespeak not the traditions of hospitality of a country founded by immigrants but rather the fears of extreme nationalism. The spirit of brotherhood which once led to Emma Lazarus' immortal apostrophe to the monumental figure of Liberty in New York harbor has become overshadowed by a growing chauvinism and the spectre of McCarthyism. The statue of Liberty no longer lifts its lamp in welcome to the tired, "huddled masses of Europe yearning to be free." Instead, it turns the glare of its light to frighten and harass friendly visitors to our shores. The arrival of steamship and airplane travellers is now accompanied by immigration inspections which resemble searches for potential saboteurs, alleged fifth columnists and would-be presidential assassins.

This is the effect and the spirit of our present basic immigration and nationality laws. Arbitrary in themselves, they furnish a fertile field for abuse of discretion, arbitrary action, and administrative bureaucracy.

Membership in or affiliation with a proscribed organization in the distant past, and no matter how guiltless, bars an alien from our shores. The payment of money to a subversive organization, no matter how small and how innocent, conclusively establishes affiliation. An alien employed by a well-stocked book store or a department store like R. H. Macy & Co. which sells a book like *Mein Kampf* is subject to exclusion and deportation. The American consuls abroad are given absolute discretion to deny visas and they may do so arbitarily and in violation of the law without being subjected to administrative or other review. The Attorney General may deny entry to an alien without affording him an opportunity for a hearing, and whether his decision is in conformity with the facts or the law is a matter which cannot be tested in the courts.

A young war bride, Ellen Knauff, married to an American husband who is serving honorably in our armed forces is thoroughly checked by our intelligence agencies abroad and is granted a visa to enter the United States. Upon her arrival at Ellis Island, she is told that, upon the basis of confidential information which cannot be disclosed, she cannot be admitted to the United States. No hearing is held and no opportunity is granted her to confront her accuser who might possibly be an unscrupulous rejected suitor. She is treated like a criminal but granted none of the traditional rights of Anglo-American justice. This star chamber procedure has been upheld by the Supreme Court on the ground that admission to the United States is a privilege and arriving aliens have no right to a hearing. In a ringing dissent, however, Justice Jackson declared:

> The plea that evidence of guilt must be secret is abhorrent to free men, because it provides a cloak for the malevolent, the misinformed, the meddlesome, and the corrupt to play the role of informer undetected and uncorrected.

Under the majority ruling in the Knauff case, the young war bride must return to Europe. The American husband is faced with a choice of living abroad for the rest of his life with his wife or leaving her in order that he may live in the country of his birth. This difficult choice is not an isolated problem created by the inexorable harshness of our immigration laws. American citizens married to aliens who in their early youth were members of the Communist, Nazi or Fascist Parties face the same dilemma. We likewise bar from entry those spouses of Americans who in the careless and carefree days of their childhood may have committed some minor infraction—the theft of a piece of coal, a newspaper, or some other object of little intrinsic value.

IN ADDITION TO THESE unyielding barriers to entry, other barricades beset those who seek our shores. Japanese and Korean husbands and wives of American citizens are racially inadmissible to our shores. (A recent enactment waives this racial bar only for those married to servicemen prior to February 19, 1950.) Racially admissible aliens married to American husbands have no quota problem, but aliens married to American wives after January 1, 1948 must come under the quota. Generally, unmarried minor

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children of American citizens may enter the United States outside the quota. But the Chinese child comes under the quota. The alien wife of a legally resident alien husband is entitled to a preference under the quota, but the alien husband of a legally resident alien wife is not entitled to any special benefits under the law.

We now deny entry to those who espouse the philosophy of Nazism, yet our basic quota system was founded upon the Nazi theory of Nordic superiority, a theory which granted larger quotas to the Northern and Western Europeans and lesser ones to those who are natives of the Eastern and Southern parts of Europe.

Our Nationality Act is no less confusing. When our government was in its infancy, we encouraged foreigners to become and remain American citizens. Today, our naturalization laws are the most rigid in the world. We alone deny citizenship to people because of race. The new Internal Security Act prescribes a literacy test for those seeking naturalization. Unlike most countries of the world, our nationality laws are designed to help in depriving Americans of their citizenship. During the past five years we have expatriated more than 30,000 American citizens. The laws provide more grounds for expatriation than any other country in the world. We require aliens residing in the United States to serve in our military forces. Yet when other countries require military service from *our* citizens, we deprive them of their American citizenship.

We say—and the Supreme Court has often declared—that once a person is naturalized, he stands on an equal footing with a native-born citizen except with regard to his eligibility for the presidency of the United States. Nevertheless, our expatriation laws deny a naturalized citizen the right to go abroad to the country of his nativity for more than three years or to any other foreign country for more than five years, with the penalty of loss of American citizenship as an alternative. This discrimination between citizens has been justified and upheld in the case of *Lapides v. Clark* (176 Fed (2d) 619), on the theory that the law has a purpose in the international policy of our government in that it was needed to lessen friction with foreign governments growing out of disputes as to the nationality of our naturalized citizens. On the other hand, the State Department charged with our foreign policy has taken a contrary view and has declared that "it would seem, particularly at this time, that the interests of the United States would best be served by permitting American citizens to reside in various parts of the world . . ."

This, then, is the crazy patchquilt of inconsistencies which go to make up our immigration and naturalization laws. These laws and regulations cover more than 2,000 printed pages, not to mention the voluminous instructions and interpretations issued thereunder. Small wonder is it that legislators, consuls abroad, and administrative officials at home encounter difficulties in keeping abreast with current laws, policies and practices.

Some conclusions and recommendations may be drawn from these observations:

1. Our immigration and nationality laws need simplification, codification and revision. We should remodel these laws so that they will conform not to our fears but to our resources and our hopes.

2. The arbitrary provisions of these laws which bar entry and naturalization because of past membership in or affiliation with proscribed organizations should be eliminated. The present worth and loyality of the individual should constitute the determinative test for admission to our shores and citizenship.

3. The racial barriers to citizenship and entry into the United States should be removed.

4. Quotas under our immigration laws should be redistributed, not upon a racial basis or any hated and discarded theory of Nordic superiority, but in conformity with democratic principles which discriminate neither because of country, creed, race nor color.

5. Discretion should be granted the Attorney General to waive any and all grounds of inadmissibility to admit aliens into the United States for permanent residence where he finds the case meritorious. Under this provision, the alien husband or wife of an American citizen who is ineligible for entry because of theft of a three-cent newspaper in his youth, could be reunited with his family.

6. The inequalities in our immigration laws based upon sex or date of marriage should be eliminated.

7. All arriving aliens should be accorded hearings and have an opportunity to meet derogatory evidence in accordance with traditional concepts of Anglo-American jurisprudence.

8. Our expatriation laws are severe, inconsistent and ambiguous. They have become a trap for the unwary, the uninformed and the misinformed and should be thoroughly revised.

9. Mere residence abroad should not constitute a ground for expatriation, and distinctions between native born and naturalized citizens should be eliminated from our expatriation laws.

10. Grounds of expatriation should be reduced to confine loss of citizenship to such conduct as clearly bespeaks an attachment to a foreign state, inconsistent with continued loyalty to the United States.

11. A Presidential Commission composed of outstanding citizens and lawyers, in and outside of governmental service should be established to survey our immigration and nationality laws and to recommend a simple, consistent, unambiguous, flexible and just statute to Congress.

Bucking the Color Line

ROBERT C. WEAVER

ONLY ONCE BEFORE IN AMERICAN HISTORY WAS the demise of racial segregation seriously considered. When a still rebellious post-Civil War South passed its Black Codes disfranchising the Negro, limiting his choice of residence and work and rendering his legal and economic status inferior to that of a slave, the nation was galvanized into action. The Freedmen's Bureau and the Fourteenth Amendment quickly appeared. Both were designed to protect the citizenship rights of the black man. With Federal troops assigned to carry out Reconstruction, and as Negroes voted and were elected to high local, state, and national offices, it appeared that the institutions of racial segregation were in the process of being challenged. This was emphasized in 1873 when the Supreme Court affirmed a District of Columbia trial court award of substantial damages to a Negro who was segregated on a railroad despite a federal statute of 1863 providing that "no person shall be excluded from the cars on account of color."

But the withdrawal of federal troops from the South and the series of Supreme Court interpretations of the Fourteenth Amendment and Civil Rights laws blasted the hopes of those who were dedicated to early abolition of segregation. The Supreme Court decisions culminated in 1896 in *Plessy* v. *Ferguson* which upheld the constitutionality of a Louisiana statute compelling segregation in trains traveling within that state. In establishing the principle that "separate but equal facilities" were not prohibited by the Constitution, the court laid the basis for the entire framework of compulsory segregation as it exists today. In a moving dissent, Justice Harlan said, "The judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the Dred Scott case."

A mortal blow was inflicted by the rise and ready acceptance of Booker T. Washington as the Negro's spokesman. Washington's philosophy of accommodation appealed to the white North no less than to the white South. Acceptance by these two groups brought prestige and power to him and to Tuskegee, attracting a corps of Negro lieutenants and followers. In this setting, uncompromising demands for abolition of segregation and complete equality by DuBois, Trotter and their small band of followers sounded like voices in the wilderness.

During the first three decades of the Twentieth Century, racial segregation not only became more firmly entrenched in the South but rapidly spread above the Mason and Dixon Line. Segregated schools were established in New Jersey, Indiana, Illinois and in certain parts of Ohio. In many parts of the Southwest and in California, separate schools for Mexican-Americans appeared. The National Guard had white and colored units. This expansion of segregation was rationalized by politicians, newspaper editors, clergymen, and other forces in the nation. Even the philanthropic foundations, dedicated to improving race relations, accepted it, while social scientists analyzed what could be done within the bi-racial pattern rather than how that pattern could be modified. A large segment of the Negroes followed the Washington philosophy of accommodation; even DuBois compromised repeatedly with segregation. Those who were troubled by the inconsistency of segregation with democratic ideals fell back upon a vague concept of its being ultimately modified by education—a process which would postpone facing the issue for another generation.

JUST AS HOPE for modifying racial segregation arose out of the dark days of the early post-Civil War period, so signs of its demise again appeared in the wake of the two social tragedies of our generation—The Great Depression and World War II. The former elevated race relations in the United States from a regional to a national problem, and the latter made it an international issue.

The Great Depression brought a new realism to the American people. Minorities—and Negroes in particular—began to face their problems with a fresh determination. This new attitude was due to many factors, not the least of which were the concern of the New Deal Administration for the common man, the rise of a new and brilliant body of social research into race relations, and an aggressive uncompromising strategy of litigation challenging racial segregation, spearheaded by the late Charles H. Houston.

World War II supplied the final catalytic agent. War—and a global war in particular—is a social revolution. And this was a war of ideologies, dedicated to achieving the Four Freedoms for peoples everywhere. Segregation in the armed forces, insults to the groups which suffered from it in peacetime, became open and painful wounds in time of war. Job discrimination, an inevitable consequence of occupational segregation, not only meant lesser opportunities and earnings for minorities at a time when most Americans were enjoying rapid upgrading and increases in incomes but also resulted in wasteful usage of manpower for war production. It appeared to Negroes that if in such a period of national emergency

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and all-out effort for defense we could not close the gap in opportunity for minorities, there could be little hope in the foreseeable future. Consequently, the attack upon racial segregation was accelerated. And it has paid off.

A decade ago few Americans would have contemplated seriously the possibility of a Negro's becoming an outstanding diplomat and recipient of the Nobel Peace Prize, a federal circuit court judge in the continental United States, or the most valuable player in the National Baseball League. Today, Ralph Bunche, William Hastie and Jackie Robinson are realities. They are outstanding Americans who happen to be Negroes. Their successes have been achieved in the competition of the mainstream of American life. They have overcome the confines—at least the professional confines—of the black ghetto. Americans of all colors read about them in the metropolitan dailies and widely circulated magazines; their pictures appear in the newsreels, and their names have been in large letters on the Great White Way.

Supporting Bunche, Hastie and Robinson are hundreds of other Negro men and women in occupations and callings to which colored Americans could hardly aspire prior to World War II. In the plays on Broadway, colored actors and actresses are better integrated and more widely used than ever before. Recently, a few outstanding law school graduates from Harvard and Yale have entered clerkships in prominent law firms in New York and Boston. There are some 100 Negro scholars on the faculties of non-segregated colleges and universities. In the professions and at the lower levels of business, colored men and women now find employment in some of the larger firms.

At the same time, the color line in the Armed Services is bending. All jobs and ratings in the naval service have been opened to colored enlisted men, and Negroes are currently assigned to every job classification in the general service. The Army and the Air Force, too, have changed racial policy and practices. All jobs are now open to Negroes, as are all Army school courses. Qualified Negroes receive assignments in accordance with their aptitudes and not, as formerly, in accordance with the racial designation of the units. Colored troops in mixed units are being integrated on the job, in barracks, and messes. And, most significantly, there is no longer a 10 per cent limitation on Negro strength in the United States Army. Meanwhile segregation in the National Guard has been abolished in California, Connecticut, Illinois, Massachusetts, Wisconsin and Minnesota.

OTHER BRANCHES OF GOVERNMENT, too, are striking blows at segregation. In May 1948, the United States Supreme Court, after decades of evasion, outlawed judicial enforcement of race restrictive housing covenants. Significantly, the Attorney General appeared as a friend of the court in support of the plaintiff's plea for repudiation of such covenants. The decisions, while not ending residential segregation, weakened ghetto patterns of living in our cities. Following the Court's action, colored Americans began to move into new areas. Most outstanding were the developments in Chicago and Los Angeles; in the former city alone some 15,000 Negroes moved outside the black ghetto in the last three years and the New York Life Insurance Company is developing a $15,000,000 non-segregated project on the South Side. In Los Angeles, colored residents are moving into scores of previously "white" areas.

On June 5, 1950, the Supreme Court handed down three important decisions involving racial segregation in railroad cars (*Henderson v. Interstate Commerce Commission*) and in state-supported higher education (*Sweatt v. Painter* and *McLaurin v. Oklahoma*). In each case, the plaintiffs, supported by the government as friend of the court, urged invalidation of the "separate but equal" doctrine established by a Supreme Court decision in 1896. While the Court did not, in these three recent cases, explicitly comply with the plaintiff's request, it dealt the separate but equal doctrine a deadly blow, indicating that it intended to condemn segregation in public facilities upon demonstration of any inequality, either material or intangible.

Today Negroes are enrolled or about to be enrolled in "white" graduate and professional schools in Texas, Oklahoma, Arkansas, Missouri, Kentucky, Maryland, Tennessee, Virginia, Louisiana and West Virginia. In Kentucky, private institutions of higher learning have voluntarily opened their doors to Negroes, while in Oklahoma, Texas and other southern states, white college students have overwhelmingly indicated their eagerness to welcome Negro classmates. The South's proposal of regional compacts has been killed as a device to perpetuate segregation at the graduate level.

There are today undeniable signs that segregated patterns and institutions are being effectively challenged and slowly modified below the Mason and Dixon Line. And these changes have come since 1940; most of them are the consequence of judicial victories of the last two years.

At the state and local levels similar developments have occurred. A Federal Court in Arizona has recently ruled that Indians are entitled to vote in state and federal elections. New Jersey enacted a comprehensive civil rights law which not only reenforces earlier prohibitions of discrimination in places of public accommodation but also provides a modern administrative enforcement technique. Meanwhile in many cities in the state, separate public school systems have been abolished and mixed schools established. Indiana, too, has legislated against segregated public schools, passing a law which provides for the elimina-

tion of segregated public schools by 1954 and prohibits establishment of new segregated schools. In Illinois a rider was attached to the public school appropriations bill withholding state funds from school districts which practice segregation in public schools.

Two developments reflected the new resolve for equal rights among Mexican Americans in California. A few years ago, in the southern part of the state, the Spanish-speaking population successfully challenged segregation in local public schools through litigation. In Los Angeles, a competent, young Mexican-American was elected to the City Council. The American Indians, too, through their national organizations and, sometimes, through their tribal councils are beginning to join the fight against racial segregation. Since World War II, the younger, American-born Japanese-Americans have been constant and effective participants.

ALL OF THIS SOUNDS IMPRESSIVE. Yet if an audit is made of the incidence of racial segregation, the impact of recent gains becomes less striking. Such a list of particulars is unnecessary. Most fairminded Americans see daily evidences of the distance we have to go.

The Negro ghetto is tangible evidence of our failure in human relations. Black ghettos become the trademark of the color line in the United States. No less embarrassing is the entrenched racial segregation in the nation's Capital. As diplomats and officials from all parts of the world assemble there to discuss strengthening of democratic institutions outside this country, they see constantly evidences of our failure to extend the elementary features of democracy to almost a third of Washington's residents.

If people—certainly American people—begin to live together, work together and experience happiness and despair together in face-to-face contacts, they can, and usually do, forget color labels—witness the acceptance of unsegregated patterns in the armed forces. It was realization of this fact that dictated enforced social segregation at the outset, for the sophisticated champions of the color line wanted to separate Americans in order to protect and extend their own power. Today, high levels of employment, the rise of social legislation, growth of effective labor unions, and higher level of education reduce the possibilities of and gains from the divide-and-rule technique. But the pattern and practices of racial discrimination and segregation have become entrenched and will require public action for their removal.

There are several ways of accomplishing this. Already the stand for equal opportunity, the statements against bigotry, and most important, the actions for true democracy taken by outstanding Americans have reduced somewhat the acceptability of the color line. In all societies, values come in large measure from the top, from the sources of power and influence. Consequently, when outstanding, secure Americans, or the highly respected Supreme Court, strike a blow for democratic race relations, social change is in the making. The instrument may be a moving novel, like those of Lillian Smith and Richard Wright; a definitive social study, like that of Myrdal; a series of magazine articles, such as *Collier's, the Saturday Evening Post* and other widely circulated periodicals have carried; a stirring movie, such as *Intruder in the Dust* and *No Way Out*; a play or a radio program. More significantly, it may be an industry-wide program for integration of Negro workers, as in the case of the International Harvester Company, or a union program for eradication of discrimination, as in the case of industrial unions in the needle trades and meat packing. Frequently, it has been a precedent-making judicial decision such as has periodically resulted from the brilliant legal assault upon discrimination and segregation spearheaded by the National Association for the Advancement of Colored People.

There can be no turning back in the years ahead. Racial segregation in the United States has been and can be further modified. The road ahead will not be one of uninterrupted victories, but it can be one of steady progress if organizations and individuals dedicated to democracy continue to press for their objectives.

Recent Supreme Court decisions weakening segregation must be climaxed by complete repudiation of the erroneous "separate but equal" doctrine. Campaigns for federal, state and local legislation, assuring civil rights, non-segregation in publicly-aided housing, extension of bi-racial patterns in public schools, the National Guard and other publicly-supported services, abolition of Jim Crow in Washington, D. C., should be pressed with renewed vigor. Nor can we afford to be satisfied merely with laws on statute books. Constant pressure upon administrative agencies and officials is needed to supplement and facilitate litigation and legislation.

At the mid-century we have an opportunity to make more real the meaning of democracy for minority groups. The increasing solidarity of these groups, the growing assistance they receive from the larger population in their fight to eradicate Jim Crow and the favorable international climate in which the matter is being considered make victory a real possibility.

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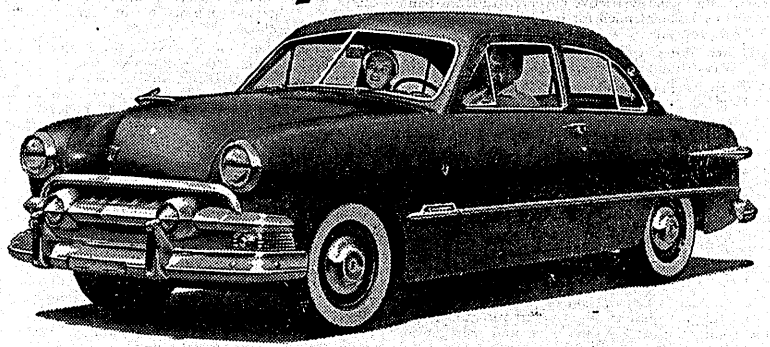

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HIGHLIGHTS OF FIVE YEAR GAINS IN CIVIL RIGHTS

1946

May 23 The Massachusetts Fair Employment Practices Law is enacted.

June 3 U. S. Supreme Court holds, in *Morgan* v. *Virginia,* that a state may not require racial segregation in interstate transportation .

Dec. 23 New York City Council approves a report of a special committee condemning the quota system in university graduate schools.

1947

Jan. 15 Federal Housing Administration drops from its manual the racial restrictive covenant which it had previously recommended for inclusion in newly developed properties.

Apr. 17 A United States Appellate Court holds segregation of Mexican students in California schools unlawful.

May 14 Connecticut Fair Employment Practices Law is enacted.

June 25 AJCongress, NAACP and ACLU file a complaint on behalf of three Negroes against exclusion of Negroes by Metropolitan Life Insurance Company from publicly assisted Stuyvesant Town housing development.

Oct. 29 The President's Committee on Civil Rights publishes its historic report, "To Secure These Rights."

Nov. 4 New Jersey voters approve a new constitution containing a broad anti-discrimination provision specifically barring segregation in the public schools and the National Guard.

Dec. 11 The President's Commission on Higher Education issues the first volume of its report recommending the elimination of discrimination and segregation in colleges and universities.

1948

Jan. 12 U. S. Supreme Court holds, in *Sipuel* case, that states must grant educational opportunities to Negroes equal to those extended to whites and "as soon as" they are extended to whites.

Jan 19 U. S. Supreme Court in *Oyama* v. *California,* invalidates part of California anti-Japanese Alien Land Law.

Feb. 2 President Truman delivers his special message to Congress on civil rights, laying down a ten-point program.

Feb. 16 N. Y. State Temporary Commission on the Need for a State University issues its report recommending the adoption of legislation prohibiting racial and religious discrimination in colleges and universities.

Mar. 8 U. S. Supreme Court holds, in *McCollum* case, that released time religious instruction which involves use of public school authority is unconstitutional.

Mar. 11 New York Fair Education Practices Law is enacted.

Mar. 12 Philadelphia enacts an FEPC ordinance.

Apr. 7 Federal Communications Commission issues decision denying a radio license to the New York *Daily News* charged with racial and religious bias, and holds that, in passing on applications for licenses, it will consider past unfair treatment of racial and religious minorities by the applicant.

May 3 U. S. Supreme Court holds in two decisions in the *Shelley* and *Hurd* cases that state and Federal courts may not enforce racial restrictive covenants.

June 7 U. S. Supreme Court, in *Takahashi* case, invalidates California statute prohibiting the granting of fishing licenses to aliens ineligible to citizenship (i. e. Japanese).

July 2 U. S. Congress enacts Japanese evacuation claims bill, part of Pres. Truman's 10-point civil rights program.

July 26 President Truman issues two Executive orders, one establishing a procedure to curb racial and religious discrimination in Federal employment and another directing an end to all forms of racial discrimination in the armed forces.

Oct. 1 The California Supreme Court holds the California anti-miscegenation law (prohibiting interracial marriages) unconstitutional.

Nov. 12 Federal Communications Commission orders public hearing into charges of anti-Semitism and news distortion by G. A. Richards, owner of radio licenses in Los Angeles, Detroit and Cleveland.

Dec. 10 The National Committee on Segregation in the Nation's Capital issues its report condemning Jim Crow practices in Washington, D. C.

1949

Jan. 7 A Federal Appellate Court holds unconstitutional the Boswell Amendment to the Alabama constitution which was designed to curb voting by Negroes.

Mar. 8 Indiana enacts a statute providing for the progressive elimination of segregation in the public schools.

Mar. 16 The New Jersey Comprehensive Civil Rights Law is enacted empowering the New Jersey Division Against Discrimination to apply the administrative enforcement process to the existing prohibition of discrimination in schools, colleges and universities and in places of public accommodation.

Mar. 17 The New Mexico Fair Employment Practices Law is enacted.

Mar. 19 A Fair Employment Practices Law is enacted in the State of Washington.

Mar. 31 The Oregon Fair Employment Practices Law is enacted.

Apr. 1 The Rhode Island Fair Employment Practices Law is enacted.

May 16 San Francisco adopts a resolution barring discrimination in public housing developments.

May 17 A U. S. Appellate Court invalidates the final attempt of the South Carolina Democratic Party to amend its rules so as to exclude Negroes from voting in the primaries.

June 16 Genocide Convention transmitted for ratification to the Senate by President Truman.

Aug. 22 Massachusetts enacts a Fair Education Practices Law.

Sept. 19 The New York State Commission Against Discrimination, after four years of operation, for the first time orders the holding of a public hearing on a charge of employment discrimination. On the scheduled day the case was settled.

Dec. 2 Federal government announces that new restrictive covenants may not be imposed on property obtaining FHA mortgage insurance.

1950

Jan. 30 After 13 months experience with a "voluntary" plan, the Cleveland, Ohio, City Council enacts an FEPC ordinance with effective enforcement provisions.

Feb. 12 Chairman of the New York City Housing Authority reports complete success in the policy of racial integration followed in all city projects.

Feb. 23 House of Representatives passes a Federal FEPC bill after amending it by eliminating the provisions for effective enforcement.

Mar. 8 In the first such case to reach a court, a judge upholds an order of the Connecticut Inter-Racial Commission sustaining a complaint of employment discrimination by a dairy.

Mar. 30 New York enacts the Wicks-Austin Law prohibiting discrimination and segregation in public and publicly assisted housing.

May 11 The American Bowling Congress eliminates its "white male" requirement, yielding to public demand and the threat of lawsuits for cancellation of its charter and its right to do business in several large states.

May 22 The President's Committee on Equality of Treatment and Opportunity in the Armed Services reports substantial progress toward integration of Negro personnel in the navy and air force and limited progress in the army.

June 5 U. S. Supreme Court, in three sweeping rulings in the *Henderson, Sweatt* and *McLaurin* cases holds that state imposed segregation which results in the slightest degree of inequality is unconstitutional.

Selected Publications of CLSA

The items listed below are a selection from the more than 400 articles, briefs, surveys, statements, etc., published by CLSA, 1945-50.

GENERAL

Group Sanctions Against Racism by Alexander H. Pekelis,* *The New Republic,* October 29, 1945; advocates measures of self-defense such as openly-declared boycotts.

Anti-Semitism and the Law by Will Maslow,* CONGRESS WEEKLY, November 16, 1945; discusses the potentialities of the law in helping to combat racial and religious discrimination.

Resolution formally establishing the Commission on Law and Social Action, adopted by the Executive Committee, AJCongress, November 29, 1945.

Full Equality in a Free Society—A Program for Jewish Action by Alexander H. Pekelis, February, 1946.

Memorandum to Jewish Community Leaders and Workers, February 19, 1946; suggests legal and social action projects by local communities.

Law, Conscience, and Society by Shad Polier, Vice-President, AJCongress, Lawyers Guild Review, March-April, 1946; discusses the law as an educational device.

On Combatting Racism by David W. Petegorsky, Executive Director, AJCongress, the uses of law and social action in the struggle against racism, March, 1947.

Civil Rights in the United States in 1948: A Balance Sheet of Group Relations, published jointly by the AJCongress and NAACP, 35 pages, April, 1949.

Civil Rights in the United States in 1949: A Balance Sheet of Group Relations, published jointly by the AJCongress and NAACP, 71 pages, January, 1950.

For the Rights of All Men by Shad Polier, CONGRESS WEEKLY, November 14, 1949; a discussion of the reasons for the interest of AJCongress in the civil rights of other minorities.

Law and Social Action, a bi-monthly bulletin on legal and legislative developments in group relations. 35 issues have been published from 1946 to date.

EMPLOYMENT

Occupational Patterns of American Jews by Nathan Goldberg*, *Jewish Review,* April, 1945; October-December, 1945; January-March, 1946.

Opportunity Limited by Will Maslow*, a discussion of racial and religious discrimination in employment (and education). *Jewish Affairs* pamphlet series, February 15, 1946, 15 pages.

Decision of the New York State Commission Against Discrimination upholding right of AJCongress to file complaints in certain types of cases, October 1, 1946.

Economic Trends Among American Jews by Nathan Goldberg*, *Jewish Affairs* pamphlet series, October 1, 1946, 19 pages.

Statement of Rabbi Irving Miller, then Chairman, Executive Committee, AJCongress, to the state directors of the United States Employment Service; urges the retention of wartime procedures against job discrimination; November 14, 1946.

Are Insurance Companies Biased? by Dian S. Levinson*, CONGRESS WEEKLY, December 27, 1946; describes a CLSA survey of the employment practices of New York City insurance companies.

Organizing a State FEPC Campaign, January 1, 1947.

A Model State Fair Employment Practices Act, revised, March 5, 1947.

Statement of Dr. Stephen S. Wise, before Senate Committee on Labor and Public Welfare on S. 984, the FEPC bill, June 12, 1947.

A Model FEPC Ordinance for Municipalities, September, 1947.

Critical Analysis of the enforcement of the Ives-Quinn Law by SCAD, December 16, 1948.

Survey of discriminatory practices by Manhattan commercial employment agencies; analyzes responses to a telephone order for a "white Protestant" stenographer; May 31, 1949.

EDUCATION

The Austin-Mahoney bill, introduced in the New York Legislature in 1946 and 1947, drafted by CLSA; the objective of the campaign in New York for the first fair educational practices law.

Brief amicus curiae of AJCongress in the *May Quinn* case, submitted to the Board of Education of the City of New York, involving a public school teacher charged with bigotry, February 18, 1946.

Application of Dr. Stephen S. Wise for the cancellation of tax exemption of Columbia University because of its discriminatory admission policies, filed with the Tax Commission of the City of New York, March 4, 1946.

Number and Percentage of Jews in First Year Class of the Nine Medical Schools in New York State, September 20, 1946.

Brief amicus curiae of AJCongress in *Westminster School District* v. *Mendez,* attacking the constitutionality of school children of Mexican ancestry in California schools; submitted to the U.S. Circuit Court of Appeals, 9th Circuit, October, 1946.

Decision of SCAD upholding complaint of AJCongress against the placement office of Columbia University, September 9, 1947.

Statement of Shad Polier on behalf of New York State Committee for Equality in Education, submitted to New York Temporary Commission on the Need for a State University; discusses the basic principles of effective fair educational practice legislation, October 20, 1947.

Statement of Dr. Stephen S. Wise to the Association of American Colleges urging legislation, as distinguished from voluntary action, to eliminate discrimination, January 11, 1948.

A plan for campus activity against educational discrimination; March 30, 1948.

Chronology of events leading to enactment of New York Fair Educational Practices (Quinn-Olliffe) Law, April 7, 1948.

Multiple Applications for Admission to American Medical Schools, June, 1948.

A Model State Fair Educational Practices Bill, revised, December 16, 1948.

Brief of AJCongress filed with the New York State Commissioner of Education in the *Matter of the Chairman of the Romance Languages Department CCNY,* (Knickerbocker case), June 7, 1949.

A survey of the application experiences of the 1949 New York medical scholarship winners, May, 1950.

A survey of the existing evidence of discrimination against Jews in medical schools, revised, August, 1950.

HOUSING

American Ghettos by Elmer Gertz, *Jewish Affairs* pamphlet series, a discussion of restrictive covenants in America, 22 pages, February 1, 1947.

Restrictive Covenants—The State of the Law, June, 1947.

Shad Polier v. *Metropolitan Life Insurance Co. and Stuyvesant Town.* Complaint and affidavit in a taxpayer's suit to prevent discrimination against Negroes in a New York City urban redevelopment housing project, June 25, 1947.

Brief, amicus curiae of AJCongress in the four restrictive covenant cases, submitted to the United States Supreme Court, November 20, 1947.

Brief, amicus curiae of AJCongress in *Kemp v. Rubin,* submitted to the New York Court of Appeals, opposing the enforcement of a restrictive covenant, May, 1948.

A memorandum regarding racial and religious discrimination under the redevelopment provisions of the Federal Public Housing Act of 1949, September 12, 1949.

Petition for certiorari submitted to the United States Supreme Court in *Dorsey* v. *Stuyvesant Town* (CLSA was attorney for the plaintiffs), October 14, 1949.

A Model Municipal Ordinance on Discrimination in Publicly-Assisted Housing, December, 1949.

The Morritt-Baker proposed fair housing practices act, drafted by CLSA, introduced in the New York Legislature on January 24, 1950.

Analysis of Stuyvesant Town case, June 7, 1950.

Text of the Wicks-Austin law forbidding discrimination and segregation in publicly-assisted housing, drafted by CLSA, effective July 1, 1950.

PLACES OF PUBLIC ACCOMMODATION

Near Christian Churches by Abraham H. Klugsberg*, CONGRESS WEEKLY, November 1, 1946; a discussion of resort advertisements.

A report of the campaign in New Jersey to enact the Freeman Comprehensive Civil Rights Law, October 11, 1948.

Brief, amicus curiae of AJCongress in *Culver v. City of Warren,* submitted to the Supreme Court of Ohio, involving discrimination by a publicly-owned, privately-operated swimming pool, December 4, 1948.

A Model State Equal Accommodations Act, February 14, 1949.

Text of the New Jersey Comprehensive Civil Rights Law, drafted by CLSA, approved April 5, 1949.

* Indicates staff member, past or present, of CLSA.

GR

Prof. Felix Frankfurter,
1511 30 St., N. W.
Washington, D. C.

Brief amicus curiae of AJCongress in *Henderson* v. *Interstate Commerce Commission,* submitted to the United States Supreme Court, involving segregation of Negroes on Pullman diners, October, 1949.

How to Conduct a Study of Discriminatory Resort Advertising, a suggested outline for use by part-time volunteers, May 2, 1950.

DEFAMATION

Brief submitted by AJCongress by direction of the Federal Communications Commission at the conclusion of the *Daily News* hearing, November 12, 1946.

The Treatment of Rabble Rousers, a statement of AJCongress, October 24, 1947.

Petition of AJCongress for revocation of license of Radio Station KMPC (Los Angeles) because of its slanting of newscasts, March 10, 1948.

An analysis of the FCC decision in the *Daily News* case, April 16, 1948.

How to Conduct a Study of Race Tags in Newspaper Crime Stories, a suggested outline for use by part time volunteers, May, 1948.

Brief amicus curiae of AJCongress submitted to the United States Supreme Court in *Terminiello* v. *City of Chicago,* involving an anti-Semitic rabble-rouser, January 24, 1949.

H. R. 2270, *a group libel bill,* drafted by CLSA, introduced in the House of Representatives by Representative Arthur Klein and others, February 3, 1949.

The Federal Group Libel Bill, an analysis of H.R. 2270, March, 1949.

IMMIGRATION AND NATURALIZATION

Statement of AJCongress on the Judd Bill forbidding racial discrimination in naturalization, submitted to House Judiciary Committee, April 16, 1948.

Statement of AJCongress to President Truman urging a veto of the Wiley-Revercomb Displaced Persons Act; June 23, 1948.

Statement of AJCongress proposing the elimination of the national origins immigration quota system, submitted to the Senate Judiciary Committee, August 18, 1948.

Explanation of proposed AJCongress amendments to the Displaced Persons Act, December 27, 1948.

Statement of AJCongress in opposition to Hobbs Bill providing for the detention of aliens whose deportation can not be effectuated, July 18, 1949.

Memorandum to the State Department opposing the admission of former Nazis under American immigration laws, September 23, 1949.

Petition for certiorari in *Lapides* v. *Clark* submitted to the United States Supreme Court, challenging a nationality statute which distinguishes between native-born and naturalized citizens (CLSA acted as co-counsel), October 22, 1949.

Brief In the Matter of E. M., submitted to the Immigration and Naturalization Service, involving a Jewish DP unwilling to return to Iraq because of religious persecution (CLSA represented the DP), October 30, 1949.

CHURCH AND STATE

Statement of AJCongress on Chanukah and Christmas, CONGRESS WEEKLY, December 20, 1946.

Statement on Sectarianism and the Public Schools by David W. Petegorsky submitted to the Joint Conference of Synagogue Council and National Community Relations Advisory Council, June 10, 1947.

Brief amicus curiae in behalf of the national Jewish organizations in *McCollum* v. *Board of Education,* the Illinois released time case, submitted to the United States Supreme Court; drafted by CLSA, October 24, 1947.

Brief amicus curiae of AJCongress in *Bull* v. *Stichman and Canisius College,* submitted to the New York Court of Appeals, attacks the constitutionality of grant of state funds to a sectarian college, May, 1948.

Religion, Education and the Constitution by Leo Pfeffer*, Lawyers Guild Review, May-June, 1948; discusses the constitutional doctrine of separation of church and state.

Petition in Zorach and Gluck v. *Clauson,* a suit attacking the validity of the New York City released time system, drafted by CLSA, June, 1948.

Brief amicus curiae of AJCongress in *Stainback* v. *Po,* submitted to the Supreme Court of the United States, attacks on Hawaiian statute outlawing foreign language schools, January, 1949.

Revised decision of Pennsylvania Unemployment Compensation Board of Review, granting unemployment benefits to *Rose Chanin,* Sabbath observer (a case brought by AJCongress), March 21, 1949.

Statement of Rabbi Irving Miller opposing allocation of Federal funds to parochial schools, submitted to House Committee on Education and Labor, June, 1949.

Religion in the Public Schools by Leo Pfeffer*, *Jewish Affairs* pamphlet series; third edition, January, 1950, 27 pages.

Brief on behalf of defendants in *People* v. *Friedman,* submitted to the New York Court of Appeals, involving enforcement of Sunday Law against Seventh Day Observers; the defendants were represented by CLSA, October 5, 1950.

ISRAEL

Statement of AJCongress on Palestine, submitted to the Anglo-American Committee of Inquiry, January, 1946.

For Full Recognition of Israel: an analysis of United States diplomatic practice in granting *de jure* recognition to newly established governments, October 11, 1948.

How Israel Will Be Governed by Will Maslow*, *Jewish Affairs* pamphlet series, December 15, 1948, 30 pages.

CIVIL RIGHTS

Statement of AJCongress to the President's Committee on Civil Rights, May 1, 1947.

A Model Ordinance to create a municipal commission on group relations, September, 1947.

Statement of AJCongress supporting Federal anti-lynching bills, submitted to the Senate Judiciary Committee by Albert E. Arent, chairman, Washington, D. C. Chapter, AJCongress, January 21, 1948.

Brief amicus curiae of AJCongress in *Takahashi* v. *California Fish and Game Commission,* submitted to the United States Supreme Court, involving an anti-Japanese commercial fishing licenses law, April 16, 1948.

Statement of AJCongress supporting anti-poll tax bills, submitted to the House Committee on Administration by Dr. Joachim Prinz, then chairman, Administrative Committee, AJCongress, May 10, 1949.

Model civil rights section for State constitutions, together with letter of transmittal to the chairman of the Vermont Constitutional Committee, May 8, 1950.

Chart of Pending Civil Rights Litigation in State and Federal Court, June 23, 1950.

The Enforcement of Northern Civil Rights Laws, an address by Will Maslow*, Fisk University Institute on Race Relations, Nashville, Tennessee, June 28, 1950.

Chart showing the legislative status of civil rights bills in the 81st Congress, September 25, 1950.

Civil Rights Cases Currently Before the United States Supreme Court, October, 1950.

CIVIL LIBERTIES

Analysis of Executive Order 9835, the Federal employee loyalty program, May, 1947.

Brief amicus curiae of AJCongress in support of the petition for certiorari in *Lawson* v. *United States,* submitted to the United States Supreme Court; the "Hollywood Ten" case, October 19, 1949.

Statement of AJCongress opposing Mundt-Ferguson bill, submitted to the Senate Judiciary Committee, June 8, 1949.

Brief amicus curiae of AJCongress, New Jersey Region, in *Imbrie* v. *Marsh,* submitted to the Supreme Court of New Jersey; challenging a loyalty oath required of candidates for political office, October, 1949.

Brief amicus curiae of AJCongress in support of plaintiffs in *Thompson* v. *Wallin,* submitted to the Supreme Court of New York, Albany County; a suit challenging the Feinberg teachers law, October 6, 1949.

Statement of AJCongress on loyalty oaths CONGRESS WEEKLY, October 24, 1949.

MISCELLANEOUS

Brief amicus curiae, of AJCongress in *Bernstein* v. *Van Heyghen Freres,* submitted to the United States Supreme Court; a case involving title to property confiscated by the Nazis, October, 1947.

Statement of AJCongress urging ratification of the Genocide Convention, submitted to the Senate Foreign Relations Committee by Joachim Prinz and Shad Polier, January 23, 1950.

S. Res. 260, introduced by Senator Gillette and 7 others; calls for an investigation of American policy in Germany, drafted by CLSA, April 17, 1950.